

EXTENSIONS OF REMARKS

RAILPAX

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. MOLLOHAN. Mr. Speaker, many of us initially greeted the concept of Railpax as a creative and useful alternative to the hideous deterioration of rail passenger service. The disillusionment that has accompanied the choice of initial routes is now being reinforced with the decision of Amtrak in regard to the welfare of effected employees. Over the years, railroad management and labor have come to a workable solution with regard to employees whose jobs are affected by discontinuance of service or automation and consolidation.

It was the common assumption last year that the crux of those provisions was incorporated into the legislation establishing Railpax and that this would be honored in the actual administration of the act. Today, we are again seeing that there is a substantial gap between the promise of Railpax or Amtrak and the realities. The Brotherhood of Railway and Airline Clerks has set forth its position on this controversy and I think it is one that the Congress should consider carefully in their evaluation of the potential and the performance of this new Federal corporation.

I am, therefore, placing in the RECORD the statement by C. L. Dennis, president of the Brotherhood of Railway and Airline Clerks, along with a brief analysis of the arrangements certified by the Secretary of Labor, and a history of the certification of employee protection arrangements by the Secretary of Labor under section 405(b) of the Rail Passenger Service Act of 1970:

STATEMENT BY PRESIDENT C. L. DENNIS

A most serious crisis faces thousands of railway employes because of the way plans are being made in connection with Railpax, now mysteriously and expensively renamed Amtrak. BRAC is directly concerned, because a very large proportion of the people affected are members of our union who work on passenger service functions.

These thousands of railroad people face a grim future: unemployment, demotion to lower-paying jobs, uprooting of families through transfers to new locations, and the prospect of lack of protection despite the law which many Congressmen felt would provide attrition.

This situation is caused by the proposed wide-scale discontinuance of passenger traffic, and by the apparent determination of the executive branch of the government to ignore or to by-pass the protections written into the Rail Passenger Service Act when it was written into law by Congress in 1970.

We are particularly concerned and angered by the certification issued by the Secretary of Labor on April 16, 1971. The Secretary's statement characterized it as a "fair and equitable arrangement to protect the rights of workers adversely affected by curtailment of inter-city passenger service." We in BRAC disagree.

The arrangement is unfair and inequitable. It ignores the will and intent of Congress.

It threatens to write a chapter of mass misery, of tragic dimensions, for thousands of railroad workers' families.

It is time for the federal government to halt this travesty. If it does not, BRAC will soon make an appeal to Congress and to the courts to gain the legal protection which these loyal railway employees and their families certainly deserve. This activity will have the highest priority in our union in coming months.

The press release which accompanied Secretary Hodgson's certification of the layoff procedure for rail passenger employees alleges that displaced or dismissed workers will receive monthly cash payments "sufficient to provide them with an income equal to what they would have received had they remained on their former jobs" for up to six years.

What the Labor Department press release did not say is that previous arrangements worked out by BRAC and various railroads have provided for attrition protection for the life of the workers. In many cases there have been provision barring lay-offs altogether, and permitting a process of attrition to handle the situation.

Furthermore, the Labor Department statement for the news media made no mention of the fact that other provisions of the certification arrangement will effectively bar any protection whatsoever for most of the employes adversely affected by the discontinuance of much of our present intercity rail passenger service.

Secretary Hodgson's statement correctly identifies the certification document as in essence "the railroad plan." It is a plan by management for the protection of powerful stockholders, and if it were to be put into operation, it would flout the needs both of affected employes and the general public.

The railroad management plan, which the Secretary accepted, flouts and contradicts the advice given to the Secretary of Labor by the Interstate Commerce Commission.

The railroad management plan, it is interesting to note, also contradicts the advice given at first to the Secretary of Labor by the Department of Justice. But, amazingly, the Department of Justice then reversed itself completely, all in a time span of 24 hours. It made this rapid about-face after secret conferences, hurriedly arranged, between representatives of the Department of Justice and the obviously persuasive lobbyist-attorney for the Railpax Corporation.

As a result of all of this behind-the-scenes maneuvering and the sudden changes in legal opinions, the Secretary of Labor removed from the certification process a procedure for negotiating and implementing agreements protecting workers before rail service in a particular location is discontinued. This process is essential if workers are to gain the protection Congress promised them.

Once before, in railroad history, this process of advance negotiation was omitted from an agreement—and that time it was by an inadvertent mistake on the part of the ICC. It took five years of intense litigation to correct that error, which the ICC itself later admitted had had "a most devastating effect upon employes" and had resulted in a "calious disregard by the railroads for the established rights and interests of the employes."

In the present case the ICC specifically reminded the Secretary of Labor of the importance of the protective language. Yet with full knowledge of the results of omitting that language—not for some 1,600 employes, as in the earlier Southern-Central of Georgia case, but for tens of thousands of employes throughout the nation—the Secretary acted in accordance with the wishes of railroad

management and their suddenly-converted allies in the Department of Justice.

What happened once before by error cannot be permitted to happen again, whether by complete error of judgment or by sinister lobbying by railroad management. The repetition is inexcusable and simply cannot be permitted to happen again.

Yet, incredibly, that is not even the whole mess. There is still more language to help railroad management evade its responsibilities.

The Secretary of Labor's plan, as we have pointed out, deletes essential prerequisite protection provided by the law. That, apparently, was not enough for the railroads. The Secretary's plan inserts additional provisions which virtually insure the railroads against responsibility in any case in which the railroads themselves determine that they will deny the claims of workers affected by discontinuance of service.

On the plea of railroad management, the Secretary of Labor's plan provides language which will permit railroads to argue before arbitrators that they can "prove that factors other than" discontinuance of rail passenger service resulted in the layoff. As a result the railroads can escape responsibility under the law.

After close study, BRAC is convinced, on the basis of its experience in this area, that the plan certified by Secretary of Labor Hodgson will result in depriving upwards of 80 percent of rail employes affected by discontinuance of passenger service of every protection under the law.

This is an intolerable plan coming from the head of a department which by statute is supposed to look out for the best interests of wage earners. We are at a loss to understand this complete appeasement of railroad management and the resulting sacrifice of workers' rights under the law.

Our experience with this personnel problem has reinforced in our mind many doubts about the whole philosophy of Railpax and Amtrak as it is presently contemplated. We know that a growing number of Senators and Representatives, who at first hailed Railpax as a constructive way of handling the passenger train problem, are concerned now about the path that is being followed for the future. They, like us, are coming to believe that Railpax-Amtrak is far less concerned with the needs of the country—for passenger trains, for vital transportation services, for convenience to travelers—than it is with the profit ledgers of the privately owned railroads.

But this is not the way to develop the kind of rail service that America needs for the remaining decades of this century and the years ahead. It is a time to give first priority to the nation's need for transportation service.

This requires retaining skilled and experienced workers, not dumping them into unemployment with little or any concern and less protection.

BRAC, as the representative of many thousands of these men and women, will take every action possible to prevent this tragic and blundering injustice. We shall appeal to Congress and to the courts to protect these rights and win fair treatment for these citizens.

BRIEF ANALYSIS OF ARRANGEMENTS CERTIFIED BY SECRETARY OF LABOR AS "FAIR AND EQUITABLE PROTECTION" FOR RAILROAD EMPLOYEES AFFECTED BY DISCONTINUANCE OF INTERCITY RAIL PASSENGER SERVICE PURSUANT TO THE NATIONAL RAIL PASSENGER SERVICE ACT OF 1970

The Secretary's letter of certification and the attached document identified as "Appen-

dix C-1", containing the provisions for the protection of employees, contain no reasons for the elimination of benefits long established pursuant to Section 5(2)(f) of the Interstate Commerce Act. The Secretary also fails to explain the numerous language changes made from formulae established under Section 5(2)(f) or his reasons for the inclusion of several novel and vague additions to established protective formulae.

There are listed below obvious deficiencies in the Appendix which render it inferior to the so-called "New Orleans Conditions" imposed by the Interstate Commerce Commission under Section 5(2)(f). As a result of these deficiencies, the Secretary of Labor has certified to the Corporation as fair and equitable protection for employees a formula of benefits substantially less than those established pursuant to Section 5(2)(f) of the Interstate Commerce Act.

1. Section 4 of the Appendix eliminates the requirement for any notice to employees of the railroads prior to the discontinuance of intercity passenger train service proposed to be effected on May 1, 1971. The "New Orleans Conditions" by their adoption of Section 4 of the Washington Agreement require at least ninety (90) days advance notice.

2. Section 4(d) eliminates the requirements of Section 5 of the Washington Agreement as incorporated into the "New Orleans Conditions" that implementing agreements providing for the selection of employee forces involved to perform the remaining work following displacement and re-arrangement and providing for the assignment of employees to the remaining jobs must be executed prior to the displacement or rearrangement of the employee forces. Section 4(d) would permit the railroads to take whatever unilateral action they deemed necessary to dismiss and displace employees and to rearrange and assign forces prior to the execution of such agreements. The effect of this provision would be to forever deprive certain employees of their rights which they would secure under the implementing agreements.

For example, Section 7 of the Appendix requires a dismissed employee to exercise his option to resign and receive separation pay within 7 days of the date on which he is dismissed. Because of Section 4(d) many employees may resign long before implementing agreements are executed. It is probable that such implementing agreements would transfer the seniority rights of dismissed employees to seniority rosters following which they could bid on comparable positions and remain in the employ of the railroad thereby preserving the many benefits, such as railroad retirement benefits which they would forfeit by resigning and accepting separation pay. In addition, other employees may be required to exercise their seniority at distant points requiring them to sell their homes and move to distant cities. Implementing agreements very probably would eliminate many such moves but would be executed too late to protect employees who had already transferred.

The requirement that implementing agreements be executed prior to the effectuation of changes in employee forces has been considered by the Interstate Commerce Commission and all arbitrators who have considered the question under the Washington Agreement or the "New Orleans Conditions", as the most important single benefit or protection afforded employees by the Washington Agreement as incorporated into the "New Orleans Conditions".

3. Section 7 of the Appendix effectively eliminates the employee's option to resign and accept separation pay in lieu of the other benefits provided him because it allows an employee only 7 days following his dismissal in which to exercise his option. Section 9 of the Washington Agreement as

incorporated into the "New Orleans Conditions" provides an affected employee 30 days within which to exercise this option. The 7 days provided by Appendix Section 7 does not allow a man sufficient time to assess his situation and make a considered decision on so important a matter. Indeed, it is probable that due to the short time allowed to them the dismissed employees affected by the proposed May 1 train discontinuance won't even be aware of the existence of this right in time to exercise it should they desire to do so.

4. Appendix Section 8 purports to protect employees against loss of their fringe benefits as does Section 8 of the Washington Agreement ("New Orleans"). However, the Washington Agreement protects an affected employee's fringe benefits so long as other employees on his home railroad enjoy such benefits whereas Appendix Section 8 protects an employee's fringe benefits only for 6 years following his adverse effect or as long as other employees have such benefits—whichever is the shorter period.

5. Appendix Section 9 eliminates a most valuable protection afforded employees under Section 10 of the Washington Agreement (New Orleans). Under the latter provision when an employee is required to move his place of residence he is reimbursed for his wage loss during the time necessary for him to transfer and for a reasonable time thereafter (not to exceed two working days) which he may use in securing a place of residence in his new location. Section 9 of the Appendix would restrict an employee's protection against wage loss to three working days regardless of the time necessary for him and his family to move to the new location and to secure a place in which to live.

6. Section 9 of the Appendix by virtue of one minor word change eliminates the protection which "New Orleans" affords employees who are required to move a second time due to the changes effected by the carrier. Section 8 of the Appendix provides that changes in place of residence "which are not a result of the transaction, which are made subsequent to the initial change or which grow out of the normal exercise of seniority rights" are not to be considered protected changes. By changing the word "and" as it appears in Section 9(c) of the Washington Agreement (New Orleans) to "or", the Secretary has effectively eliminated the protection to be afforded employees in subsequent moves caused by the changes put into effect by the railroads. It is interesting, and not a little confusing, to note that Appendix Section 12(b) which contains a similar provision with regard to loss on the sale of homes was adopted from the "New Orleans Conditions" without changing "and" to "or".

7. Section 10 of the Appendix eliminates retroactive protection for employees adversely affected in anticipation of the discontinuance of intercity rail passenger service by eliminating from the end of the sentence the words "as of the date when he was so affected". The quoted words are found in Section 12 of the Washington Agreement (New Orleans) and appear to be the only words which were removed from that provision when it was placed in the Appendix.

8. The arbitration provision set forth in Section 11 of the Appendix will be a source of continuing litigation because it is one of two arbitration provisions in the Appendix, both of which purport to govern disputes over the "application" of the provisions of such document. In addition, provisions for the constitution of the arbitration committee render the decisions of the committee within the strict control of the railroad party to the arbitration when more than one union is involved in the proceeding. Section 11(b) of the Appendix provides that when a dispute involves more than one labor organization, each such organization may have a repre-

sentative on the committee in which event the railroad will have an equal number of members on the committee. Section 11(c) then provides that a majority vote of the committee shall be final. In any arbitration in which the unions involved may be in dispute with each other as well as with the carrier, the carrier members have the power of decision by merely determining with which of the unions it will cast its multiple vote. No arbitration provision in the railroad industry contains such an inequitable provision.

9. Section 11(e) deals with the burden of proof in an arbitration provision. The employee in an arbitration proceeding under the "New Orleans Conditions" has a virtually insurmountable burden of proving that he was affected by a particular transaction. The Appendix certified by the Secretary of Labor increases that burden to the point where it will be utterly impossible for virtually any individual employee to secure any monetary protection under the provisions of the Appendix if that employee's railroad denies his claim to protection. Section 11(e) would permit the railroad to prevail in any arbitration if it could "prove that factors other than a transaction affected the employee." A railroad can always prove that factors other than a train discontinuance were involved in the adverse effect visited upon any particular employee.

10. There are numerous other minor changes which, while they deprive employees of some measure of protection found in the "New Orleans Conditions", are not deemed sufficient to cite herein. However, there is contained in Appendix Section 3 a proviso which would apparently have the effect of depriving employees presently governed by other protective agreements from the benefits of those agreements as well as any benefits which they may have under the Appendix: "... provided further that the benefits under this or any other arrangements shall be construed to include the conditions, responsibilities and obligations accompanying such benefits."

This provision is inserted without explanation and is found in no formula of protection established pursuant to Section 5(2)(f). It could be interpreted to mean that an employee presently enjoying a guaranteed rate of pay under a protective agreement which provides that in the event of a decline in business his guarantee would cease would be restricted to that "protection" and upon the abolishment of his job as a result of the discontinuance of intercity rail passenger service he would be entitled to no protection under either formula.

Another word change which is unexplained and perhaps significant is found in Section 6(d) which would require an employee receiving a dismissal allowance to "accept a comparable position which does not require a change in his place of residence and for which he is qualified and eligible with the railroad from which he was dismissed . . . if his return does not infringe upon the employee rights of other employees under a working agreement." Section 7(g) of the Washington Agreement (New Orleans) requires such an employee to "return to the service of the employing carrier for other reasonably comparable employment for which he is physically and mentally qualified and which does not require a change in his place of residence, if his return does not infringe upon the employee rights of other employees under the working agreement." The deletion of the words underlined could well result in employees being required to accept demeaning jobs.

It was the absence of a requirement that the carriers execute implementing agreements prior to effectuating the transactions involved in the discontinuance of Central of Georgia work that resulted in the evil visited upon the employees of the Central of Georgia Railroad for over 5

years following its acquisition by the Southern Railway. The Commission in ultimately vindicating the rights of those employees described the application of protective conditions without preceding implementing agreements as "a callous disregard by applicants [the railroads] for the established rights and interests of the employees on the Central of Georgia". (331 I.C.C. at 185.) The Commission described the absence of pre-executed implementing agreements as "the most devastating effect upon employees". (331 I.C.C. at 172.)

In addition to the perpetuation of the evil described by the Commission in the *Southern-Central of Georgia* case, the Appendix certified by the Secretary contains the evils listed above particularly that which places an insurmountable burden of proof upon individually affected employees.

THE HISTORY OF THE CERTIFICATION OF EMPLOYEE PROTECTION ARRANGEMENTS BY SECRETARY OF LABOR UNDER SECTION 405(B) OF THE RAIL PASSENGER SERVICE ACT OF 1970

On April 16, 1971, the Secretary of Labor certified as "fair and equitable" an arrangement to protect the rights of employees affected by the curtailment of intercity rail passenger service proposed to occur on May 1, 1971, and thereafter. Section 405(b) of the Rail Passenger Service Act requires that such an arrangement "shall in no event provide benefits less than those established pursuant to Section 5(2)(f) of the Interstate Commerce Act.

In his press release accompanying this document the Secretary describes the protection afforded in terms of full monthly cash payments to affected employees for up to six years.

What the Secretary does not reveal in his press release is the fact that perhaps 80% of the employees affected will receive no protection whatever due to the deletion from the "fair and equitable arrangement" of the single most important protection established under Section 5(2)(f) of the Interstate Commerce Act—the inclusion of Sections 4 and 5 of the Washington Agreement requiring notice to employee representatives and the execution of implementing agreements prior to effectuating changes in operations, etc. which affect employees.

The necessity of the inclusion of such vital provisions in any formula certified by the Secretary was confirmed independently and in writing to the Department of Labor by the Interstate Commerce Commission, which agency has administered Section 5(2)(f) for over 30 years, and also by the Department of Justice. Despite this counsel the Secretary has refused to include such protection.

The Secretary's certified arrangement has also provided the railroads with a means of avoiding payments to affected employees by merely demonstrating to an arbitrator "that factors other than" discontinuance of intercity rail passenger service were also involved in the adverse effects to employees.

A chronological summary of the events leading to this tragic act of the Secretary of Labor is set forth below.

1. March 10, 1971—The Secretary of Labor called joint meeting chaired by Assistant Secretary Usery. Representatives of rail labor, rail management and the National Railroad Passenger Corporation (Railpax) were present. Assistant Secretary Usery asked that those present work out a plan of protection for employees. Mr. John Gilhooley, an incorporator of the Railpax, stated that this was a matter to be resolved by the Railroads and Unions and that Railpax would have and could have nothing to do with it. Railpax thereafter participated in no conferences between the Railroads and the Unions.

2. March 11, 1971—The first meeting was

held between the Unions and the Railroads. The Railroads presented a proposal of "New Orleans" conditions as imposed by the Interstate Commerce Commission under Section 5(2)(f) in many cases but with three major modifications:

A. Deletion of the employees' right to a 90-day notice and the negotiations of implementing agreements determining the selection and assignment of forces to perform the remaining work as well as the designation of the employees' rights to bid on that work prior to any changes made by the railroads—as contained in Sections 4 and 5 of the Washington Agreement and incorporated into the "New Orleans Conditions" by the Interstate Commerce Commission in 1952.

B. A rapid arbitration procedure for settlement of all disputes under the protective formula.

C. Adjustments in the monetary protections to reflect the recently enacted Hours of Service Law.

The chief spokesman for the Railroads, Mr. John Hiltz, closed his presentation of the Railroads' proposal with the ultimatum that if the Union did not accept it as stated "this is the end of the road."

While the Unions had no objection to negotiating a reasonable arbitration procedure or adjustment in employee monetary protections to reflect the effects of the Hours of Service Law, they could not agree to waive the requirements of Sections 4 and 5 which their experience through five years of litigation in the *Southern Railway-Central of Georgia Railroad* Case and the Interstate Commerce Commission's ultimate decision in that case had confirmed to be the single most important protection afforded employees under a protective formula as it controls all employee rights and obligations thereunder. In the *Southern-Central of Georgia* Case the Commission found that the absence of Sections 4 and 5 had had "the most devastating effect upon employees" resulting in "a callous disregard" by the railroads "for the established rights and interests of the employees." (331 I.C.C. at 172 and 185.)

The Unions also had a proposal to offer at this initial meeting with the Railroads. The Unions sought a different type of protection for employees, so-called "attrition" protection. This type of protection had been established pursuant to Section 5(2)(f) in numerous railroad merger cases and was in effect on many railroads throughout the nation. It provided for the abolishment of jobs as attrition occurred through deaths, retirements, etc. The Unions believed that the attrition rates on railroads—between 5% and 15% per year—made such protection quite practical. In addition, it was the type of protection utilized by the government in the so-called "Firemen's Dispute".

The Railroads rejected the Unions' proposal and the initial conference adjourned.

3. March 22, 1971—The second meeting was held between the Railroads and the Unions. The Railroad stated they would refuse to discuss "attrition" protection. Counsel for one of the Unions present then suggested three points as a possible basis for continuing the talks: Adoption of the "New Orleans" conditions modified so as to shift the burden of proof in arbitration proceedings under the protective formula from the employee-claimant whom experience had shown cannot sustain such burden, to the party in whose possession are all of the facts involving the operational changes which affected the employee—the railroad employer; a dismissal or displacement allowance equaling the employee's railroad earnings to be provided the employee for ten years, less all outside income and railroad income if recalled to service within that time; and, the inclusion of the all-important Sections 4 and 5 with substantial restriction on time limits.

Following a private caucus lasting some 45 minutes, the Railroad representatives returned to the conference room and through their chief spokesman, Mr. Hiltz, stated the Unions had presented "three insurmountable obstacles" but that they would call the Unions if they had any further thoughts on the matter and would expect a call from the Unions if the Unions had anything further. In any event, said Mr. Hiltz, he was sure both parties would be available for further conferences at the call of the Secretary of Labor.

4. On Saturday, March 27, 1971, an official of the Department of Labor telephoned counsel for one of the Unions and informed him that the Railroads had drafted a formula of protection and presented it to representatives of the Railpax who in turn had given it to him. This official felt it was necessary to inform the Unions of this occurrence because he understood the Railroad-Union negotiations were still in progress and the formula appeared to afford much less protection than the "New Orleans" conditions.

Examination of the formula by Union counsel revealed that it had been virtually copied from the formula originally imposed in the *Southern-Central of Georgia* Case and which had resulted in the tragedies described above by the Commission after almost five years of ultimately successful litigation.

This act by the Railroads, of course, effectively terminated negotiations by the Railroads and the Unions.

5. On March 30, 1971, a meeting was held at the Hamilton Hotel with Assistant Secretary Usery and Union representatives. At this meeting Assistant Secretary Usery stated that he understood the need of the employees for a shift in the burden of proof to the railroad in arbitrations under the protective formula. He also stated that he realized the need of basing the monetary protection on a given period of years from the date an employee was affected as well as the need for gearing the protection an employee was to receive to subsequent general wage increases. At this meeting Secretary Usery requested the Unions to submit to him a formula of protection. The Union representatives stated that they believed that "attrition" protection was necessary for effective protection in the event of discontinuance of intercity passenger train service due to the fact that absent such protection numerous employees of the railroads who were actually affected by the discontinuance of such service would never receive the protections to which they were entitled because of the many intervening circumstances that would occur between the actual discontinuance of the trains and the effects upon employees, such as maintenance of way employees, signalmen, etc.

6. On March 31, 1971, a conference was held at the Department of Labor between Undersecretary Silberman, Assistant Secretary Usery, General Solicitor Peter Nash, Attorneys for the Unions and one other Union representative regarding the justification of the certification of attrition protection. The Unions presented to the Undersecretary a memorandum supporting their position and an overall formula which would accomplish their objectives. The Union representatives were informed that the Department was also conducting discussions with the Railroads and contact would be made with the Union representatives at a later date.

On the evening of March 31, 1971, General Solicitor Nash of the Department of Labor conferred by telephone with General Counsel Fritz Kahn of the Interstate Commerce Commission with regard to the "benefits" established pursuant to Section 5(2)(f) of the Interstate Commerce Act and whether those "benefits" included Sections 4 and 5 of the Washington Agreement as incorporated into the "New Orleans" conditions.

7. On April 1, 1971, General Counsel Kahn wrote to General Solicitor Nash confirming his telephone conversation with him of the previous evening and stating that "conditions insuring employees to notice and negotiation of implementing agreements, as provided by Sections 4 and 5 of the Washington Job Protection Agreement, are within the contemplation of Section 405 of the Rail Passenger Service Act of 1970." General Counsel Kahn quoted from the Commission's opinion in the *Southern-Central of Georgia* Case and cited several other Commission decisions.

The quotation from the Commission's decision in the *Southern-Central of Georgia* Case is from page 166 of Volume 331 of the I.C.C. Reports:

"The inclusion of provisions of the type contained in sections 4 and 5 of the Washington Agreement was required, in our opinion, in order to provide the employees the protection to which they were entitled under the statute. Whether spelled out in specific terms, or incorporated through reference to other recognized conditions, viz., the *New Orleans* conditions, the inclusion of conditions insuring the right of the employees here involved to notice and the negotiation of implementing agreements were *indispensable prerequisites* in effectuating a valid order of approval in the proceeding." (Emphasis supplied.)

Mr. Kahn's letter concluded as follows: "These reports, in my view, permit of no doubt that sections 4 and 5 of the Washington Job Protection Agreement are within the contemplation of the protective conditions that apply under section 405 of the Rail Passenger Service Act of 1970."

8. April 2, 1971—A meeting was held with Assistant Secretary Usery and General Solicitor Nash and representatives of the Unions at the Department of Labor. At this meeting Assistant Secretary Usery informed the Union representatives that the Secretary of Labor would not certify "attrition" protection. General Solicitor Nash stated that the Department of Justice had been requested for an opinion as to whether Section 5(2)(f) required the inclusion of Sections 4 and 5 of the Washington Agreement in the "benefits established pursuant to Section 5(2)(f)". Assistant Secretary Usery informed the Union representatives that the Secretary would certify a formula of protection based upon the "New Orleans" conditions. The Unions thereafter were never requested to submit any ideas on a "New Orleans" type of formula. All further conferences on the formulation of this type of formula were held by the Secretary with the Railroad representatives and all such conferences were based upon the original Railroad formula given to Railpax.

9. April 5, 1971—The Department of Justice responded to the inquiry of the Department of Labor by letter. Counsel for the Unions was officially informed of the contents of this letter by an official of the Department of Labor who telephoned him and read the letter to him. The letter was quite long and confirmed, in all respects, the conclusions of General Counsel Kahn of the Interstate Commerce Commission as transmitted in his letter to General Solicitor Nash, dated April 1, 1971. This letter from the Department of Justice to the Department of Labor contained a notation at the bottom that a carbon copy of it had been furnished to Mr. H. Chapman Rose, Counsel for Railpax.

10. April 6, 1971—The Unions are informed that following the receipt of the conclusions of the legal staff of the Department of Justice on the requirements of Section 405, Mr. Rose spoke to officials at the Department of Justice and within 24 hours a second letter was dispatched from that Department reversing its first letter and, of course, also contradicting the conclusions of the General

Counsel of the Interstate Commerce Commission to the effect that Sections 4 and 5 are necessary in any formula of protection imposed under Section 5(2)(f) and, therefore, under Section 405 of the Rail Passenger Service Act.

11. April 9, 1971—Counsel for the Unions was furnished with a copy of the further draft of the Railroads' proposal by General Solicitor Nash who also declared correspondence between Justice and Labor to be "privileged".

12. April 12, 1971—At the request of Assistant Secretary Usery a meeting was held with Mr. Usery, Mr. Nash and representatives of the Unions. At that meeting the Unions were given copies of the Railroad proposal which had been furnished Counsel for the Unions on April 9, 1971, and informed that this proposal was the basic formula with which the Department was working. The Union representatives stated that this proposal was not in the format of the "New Orleans" conditions and did not contain the essential Sections 4 and 5. They asked if they could present to the Department of Labor a formula which was based upon the "New Orleans" conditions with changes which the Secretary had indicated he was willing to make in it.

The Unions were informed that the certification would be forthcoming in a matter of hours. They informed Assistant Secretary Usery that they could not draft and clear a formula for presentation to the Secretary prior to Friday, April 16, 1971, and asked if they could be given that time in which to furnish their views on what a formula based upon the "New Orleans" conditions should be. Mr. Usery did not know whether such time was available.

13. On Wednesday, April 14, 1971, Counsel for the Unions was informed that the certification would be made momentarily and was provided with a copy of the latest draft which General Solicitor Nash had prepared and had returned to the Railroads for their consideration.

Although this draft as submitted to the Railroads by Solicitor Nash had effectively deleted Sections 4 and 5 of the Washington Agreement as apparently demanded by the Railroads and Mr. Rose of Railpax and as ultimately acquiesced in by the Secretary of Labor, it contained two provisions which would have been extremely helpful to employees in securing the protection to which they were entitled under the law. These provisions were as follows:

In Article I, Section 11(e) on burden of proof in arbitration proceedings the formula read:

"In the event of any dispute as to whether or not a particular employee was affected by a transaction, it shall be his obligation to reasonably identify the manner in which he believed he was affected. It shall then be the railroad's burden to prove, that he was not affected by a transaction."

In Article V, Section 1 the following language was contained:

"It is the intent of this Appendix to provide employee protections which meet the requirements of Section 405 of the Act and exceed the benefits established pursuant to Section 5(2)(f) of the Interstate Commerce Act. Any ambiguity or uncertainty regarding the application of any term or terms of this Appendix are, thus, to be resolved in favor of employee protection."

14. Upon receipt of the formula submitted to them by General Solicitor Nash the Railroads made certain changes among which were changes in the above-quoted provisions which had the effect of increasing the burden of proof upon employees over and above that which they had had in prior years under the "New Orleans" conditions thereby effectively depriving thousands more employees of the protection to which they are entitled under the law. The provisions as

modified and submitted to the Secretary and ultimately certified by him on Friday, April 16, 1971, are as follows:

"Section 11(e). In the event of any dispute as to whether or not a particular employee was affected by a transaction, it shall be his obligation to identify the transaction and specify the pertinent facts of that transaction relied upon. It shall then be the Railroad's burden to prove that factors other than a transaction affected the employee."

"Article V. Section 1—It is the intent of this Appendix to provide employee protections which meet the requirements of Section 405 of the Act and are not less than the benefits established pursuant to Section 5(2)(f) of the Interstate Commerce Act. In doing so, changes in wording and organization from arrangements earlier developed under Section 5(2)(f) have been necessary to make benefits applicable to contemplated discontinuances of intercity rail passenger service affecting a great number of railroads throughout the nation. In making such changes it is not the intent of this Appendix to diminish such benefits. Thus, the terms of this Appendix are to be resolved in favor of this intent to provide employee protections and benefits no less than those established pursuant to Section 5(2)(f) of the Interstate Commerce Act."

The latter provision constitutes a contradiction in terms since as concluded by the Interstate Commerce Commission—the most experienced agency involved in the application of Section 5(2)(f)—and the Department of Justice—in its original decision in this matter—Sections 4 and 5 of the Washington Agreement are the single most important benefits established pursuant to Section 5(2)(f) and they are effectively removed in the very formula in which Article V, Section 1 appears.

15. Counsel for the Unions was informed by a telephone call from the Department of Labor on Thursday, April 15, 1971, that the final version of the formula had been received from the Railroads on that day and would be certified by the Secretary the following day.

16. At approximately 10:25 a.m., April 16, 1971, counsel for the Unions were telephoned by Mr. Nash and informed that the Secretary had just certified the formula and that copies of it were available at Mr. Nash's office.

ESKIMOS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BEGICH. Mr. Speaker, on March 26, 1971, the *Blizzard*, an outstanding newspaper in Dillingham, Alaska, published an article entitled "Eskimos" by Sandra Brannon. I believe this article to be a fine study of the Alaskan Eskimo. I am sure my colleagues will be interested in this article, and I include it in the RECORD for your consideration, as follows:

ESKIMOS

(By Sandra Brannon)

The Eskimos occupy nearly all the coastline from Greenland and Labrador in the east to the Bering Sea in the west, together with a short stretch of the Siberian shore in the vicinity of Bering Strait.

Most of the Greenland and Labrador Eskimos carry quite a bit of white blood in their veins. Many Greenlanders with their blue eyes and fair hair, could easily pass as Scandinavians if it weren't for their Eskimo tongue.

Because of diseases brought by the Europeans, many of the Eskimos have died. Smallpox was the first to come in the earliest times, later measles and, after World War I, influenza. In earlier days the Eskimos lived mostly on meat and fish which they had gotten from the sea.

Eskimos can easily be distinguished from Indians by their more Mongoloid features, by the smallness of their hands and feet and by a few less obvious traits such as shovel-shaped incisor teeth and narrow nose.

The Eskimos had to rely for their food only on fish, on the land animals (principally caribou, and also musk oxen, bears, hare and marmots) and the mammals of the sea (four or five species of seals and in certain regions, beluga, walrus and whales). In the winter the men set out each morning to harpoon seals over the open water in Kayaks. Others wandered off to hunt the bowhead whale, and still-frozen lakes or trapped the salmon trout that migrated inland from the sea at the breakup of the streams and rivers. Later on in mid-summer, most families hunted the caribou when the fur of that animal was in its prime, and some still carried on this hunt into the late autumn when the herds were migrating to new pastures which is often several hundred miles away. Then when winter came the families drew together again.

The Eskimos used the bow and arrow to kill land animals. (The rifle replaced it everywhere.) They used harpoons against sea mammals. Some Eskimos used rawhide nets for capturing seals, but never used them to catch fish. They also had made Kayaks and Umiaks to spear swimming caribou and harpoon seals. For their clothing they preferred the furs of the caribou and sometimes seal, polar bear, mountain sheep and hare. And in certain places, even bird skins. The suit included a coat, trousers, stockings and either shoes or boots, two of each garment being worn in cold weather. The inner with the fur against the body, the outer with the fur outside. The outer shoe or boot was nearly always made from seal-skin because it does not spoil with dampness like caribou would. The women wore garments similar to those of the men but cut differently.

The log cabins that the Eskimo built was insulated on the outside with sod and illuminated with sky lights made from gut. They entered through a trap door in the middle of the floor. When winter came the snow would pile up around the house and it would be warm, but in spring many of them became flooded with water and the occupants moved into tents that were made of seal or caribou skin. Where there was hardly any wood some families constructed houses of stone which they roofed with whale ribs and sod. From the Coronation Gulf to Labrador, the Eskimos spent the winter in round huts built from snow blocks known as igloos. They seem to have been invented by the Canadian Eskimos, since they were unknown in Alaska and used little in Greenland. The bottom of the igloo has a low pattern of snow, which they cover with mattresses of willow twigs and then lay caribou furs on top of that. When spring would come they would leave their snow huts and move into skin tents, because the sun melts their huts.

The Eskimos solved the problem of heat and light in their dwelling by burning animal fat nearly always seal blubber in shallow saucer-shaped lamps, made from pottery throughout most of Alaska and from stone somewhere else. They boiled their meat and fish over their lamps unless they ate their food frozen or dried.

The word "Eskimo" from a Cree Indian word means "eaters of raw meat". Their own name for themselves was Inuit meaning "people."

In single roomed huts of logs or snow a

man can not own many possessions except his dogs and the things he made for himself or derived either in trade or as gifts, from their makers, such as tools, and weapons, his only so long as he occupied it. He couldn't sell it nor prevent another family from taking it away from him after he had ceased to require it. The land belonged to all the Eskimos and food had to be shared in common, since fishing and the chase are precarious pursuits and no family dared deliberately allow its neighbor to starve when they themselves might face starvation a few days or weeks later. There were no written laws and no chiefs or police to enforce the traditional rules handed down from one century to another.

Men hunted and built the homes women cooked the food, dressed the skins and made the clothing. Both were so dependent on the other that celibacy was unknown and widows and widowers remarried as soon as they were able; those too old to remarry found shelter with relatives. A man usually had only one wife, but the more active and ambitious occasionally took a second and even a third, especially if the first wife was childless; and a woman occasionally had two husbands, though she seldom retained both more than a few weeks or months. Orphans found homes, preferably with near relatives, and were well treated. Old folk tales were told that sometimes the orphan was abused until he or she became old enough to fend for themselves. Most Eskimos were very fond of children, even though they did not hesitate to destroy newborn babies, especially girls. In a land where there were no vegetable foods and no roads. A mother had to nurse her child and carry it everywhere on her back until it was at least three years old; and the care of a second baby during that period was beyond her strength.

Their origin is a baffling matter, but by digging into the ruins of their ancient settlements scattered in considerable numbers from Alaska to Greenland archeologists have discovered that they have a long and complex history on the American continent.

THE SUPREME COURT UPHOLDS CONSTITUTIONALITY OF LOAN- SHARKING TITLE OF CONSUMER CREDIT PROTECTION ACT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mrs. SULLIVAN. Mr. Speaker, Members of the House on both sides of the aisle who joined in the successful effort to include title II, dealing with criminal loan sharking, in the Consumer Credit Protection Act of 1968—Public Law 90-321, which also contains the Truth-in-Lending Act—will be pleased to know that the Supreme Court yesterday, in an 8-to-1 decision, upheld the constitutionality of the far-reaching provisions aimed at a major source of operating funds for organized crime.

Title II, known as the Extortionate Credit Transactions Act, was originally proposed in different form in two floor amendments to title I, the truth-in-lending title, offered separately by Representatives Poff and McDade. It was agreed to in Committee of the Whole House on the State of the Union and by a subsequent rollcall vote of 383 to 5; then was recast and redrafted as a separate title II as part of the conference substitute

for the House-passed consumer credit protection bill submitted to the conference committee by the House conferees. It was one of many, many hard-fought issues which deadlocked the conference committee for 6 weeks, because the Senate's bill had been limited entirely to truth-in-lending disclosures.

Among those bitterly contested issues in conference, as the Members will recall, were the provisions of the House bill dealing with revolving credit; advertising of credit terms; inclusion of first mortgage credit; the rescission clause and the limitations on the "holder in due course" doctrine on home improvement loans, and so forth; to the garnishment title; and the establishment of the National Commission on Consumer Finance; as well as the criminal loan-sharking provisions, none of which had been in the Senate bill. Eventually, all of these House proposals were agreed to and enacted.

Mr. Speaker, without going into the differences between the Poff amendment, the McDade amendment, and the final version, I think everyone associated with this legislation will acknowledge the outstanding work done by Mr. Grasty Crews II, then an assistant legislative counsel of the House assigned to the Banking and Currency Committee, in redrafting and refining the legislation which eventually became title II, particularly in making it more feasible to administer and in removing the threat to legitimate businessmen of being held guilty of a Federal criminal statute by reason of a violation of a State usury ceiling. Representatives Poff and McDade both informed the House the conference redraft was an improvement over the amendments they had separately proposed and which formed the framework for the final draft.

DETAILS OF CASE ON WHICH SUPREME COURT ACTED

The following excerpts from the preliminary print of the opinion of Justice Douglas give this background of the case which precipitated the Supreme Court decision:

Petitioner is one of the species commonly known as "loan sharks" which Congress found are in large part under the control of "organized crime". "Extortionate credit transactions" are defined as those characterized by the use or threat of the use of "violence or other criminal means" in enforcement. There was ample evidence showing petitioner was a "loan shark" who used the threats of violence as a method of collection. He loaned money to one Miranda, owner of a new butcher shop, making a \$1,000 advance to be repaid in installments of \$105 per week for 14 weeks. After paying at this rate for six or eight weeks, petitioner increased the weekly payment to \$130. In two months Miranda asked for an additional loan of \$2,000 which was made, the agreement being that Miranda was to pay \$205 a week. In a few weeks petitioner increased the weekly payment to \$330. When Miranda objected, petitioner told him about a customer who refused to pay and ended up in a hospital. So Miranda paid. In a few months petitioner increased his demands to \$500 weekly which Miranda paid, only to be advised that at the end of the week petitioner would need \$1,000. Miranda made that payment by not paying his suppliers; but, faced with a \$1,000 payment the next week, he sold his butcher shop. Petitioner pursued MI-

rand, first making threats to Miranda's wife and then telling Miranda he could have him castrated. When Miranda did not make more payments, petitioner said he was turning over his collections to people who would not be nice but who would put him in the hospital if he did not pay. Negotiations went on, Miranda finally saying he could pay only \$25 a week. Petitioner said that was not enough, that Miranda should steal or sell drugs if necessary to get the money to pay the loan, and that if he went to jail it would be better than going to a hospital with a broken back or legs. He added "I could have sent you to the hospital, you and your family, any moment I want with my people".

Petitioner's arrest followed. Miranda, his wife, and an employee gave the evidence against petitioner who did not testify nor call any witnesses. Petitioner's attack was on the constitutionality of the Act, starting with a motion to dismiss the indictment.

PROVISIONS OF THE LAW

Following, Mr. Speaker, are the provisions of title II as enacted on May 29, 1968:

[From Public Law 90-321]

TITLE II—EXTORTIONATE CREDIT TRANSACTIONS

Sec.

201. Findings and purpose.

202. Amendments to title 18, United States Code.

203. Reports by Attorney General.

§ 201. Findings and purpose

(a) The Congress makes the following findings:

(1) Organized crime is interstate and international in character. Its activities involve many billions of dollars each year. It is directly responsible for murders, willful injuries to person and property, corruption of officials, and terrorization of countless citizens. A substantial part of the income of organized crime is generated by extortionate credit transactions.

(2) Extortionate credit transactions are characterized by the use, or the express implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means of enforcing repayment. Among the factors which have rendered past efforts at prosecution almost wholly ineffective has been the existence of exclusionary rules of evidence stricter than necessary for the protection of constitutional rights.

(3) Extortionate credit transactions are carried on to a substantial extent in interstate and foreign commerce and through the means and instrumentalities of such commerce. Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce.

(4) Extortionate credit transactions directly impair the effectiveness and frustrate the purposes of the laws enacted by the Congress on the subject of bankruptcies.

(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of chapter 42 of title 18 of the United States Code are necessary and proper for the purpose of carrying into execution the powers of Congress to regulate commerce and to establish uniform and effective laws on the subject of bankruptcy.

§ 202. Amendments to title 18, United States Code

(a) Title 18 of the United States Code is amended by inserting the following new chapter immediately after chapter 41 thereof:

"CHAPTER 42—EXTORTIONATE CREDIT TRANSACTIONS

"Sec.

"891. Definitions and rules of construction.

"892. Making extortionate extensions of credit.

"893. Financing extortionate extensions of credit.

"894. Collection of extensions of credit by extortionate means.

"895. Immunity of witnesses.

"896. Effect on State laws.

"§ 891. Definitions and rules of construction

"For the purposes of this chapter:

"(1) To extend credit means to make or renew any loan, or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred.

"(2) The term 'creditor', with reference to any given extension of credit, refers to any person making that extension of credit, or to any person claiming by, under, or through any person making that extension of credit.

"(3) The term 'debtor', with reference to any given extension of credit, refers to any person to whom that extension of credit is made, or to any person who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same.

"(4) The repayment of any extension of credit includes the repayment, satisfaction, or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

"(5) To collect an extension of credit means to induce in any way any person to make repayment thereof.

"(6) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

"(7) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

"(8) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and territories and possessions of the United States.

"(9) State law, including conflict of laws rules, governing the enforceability through civil judicial processes of repayment of any extension of credit or the performance of any promise given in consideration thereof shall be judicially noticed. This paragraph does not impair any authority which any court would otherwise have to take judicial notice of any matter of State law.

"§ 892. Making extortionate extensions of credit

"(a) Whoever makes any extortionate extension of credit, or conspires to do so, shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both.

"(b) In any prosecution under this section, if it is shown that all of the following factors were present in connection with the extension of credit in question, there is prima facie evidence that the extension of credit was extortionate, but this subsection is nonexclusive and in no way limits the effect or applicability of subsection (a):

"(1) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable, through civil judicial processes against the debtor

"(A) in the jurisdiction within which the debtor, if a natural person, resided or

"(B) in every jurisdiction within which the debtor, if other than a natural person, was incorporated or qualified to do business at the time the extension of credit was made.

"(2) The extension of credit was made at a rate of interest in excess of an annual rate of 45 per centum calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

"(3) At the time the extension of credit was made, the debtor reasonably believed that either

"(A) one or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment thereof had been punished by extortionate means; or

"(B) the creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof.

"(4) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded \$100.

"(c) In any prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subsection (b) (1) or (b) (2), and direct evidence of the actual belief of the debtor as to the creditor's collection practice is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

"§ 893. Financing extortionate extensions of credit

"Whoever willfully advances money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the intention of that person to use the money or property so advanced directly or indirectly for the purpose of making extortionate extensions of credit, shall be fined not more than \$10,000 or an amount not exceeding twice the value of the money or property so advanced, whichever is greater, or shall be imprisoned not more than 20 years, or both.

"§ 894. Collection of extensions of credit extortionate means

"(a) Whoever knowingly participates in any way, or conspires to do so, in the use of any extortionate means

"(1) to collect or attempt to collect any extension of credit, or

"(2) to punish any person for the nonrepayment thereof,

shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both.

"(b) In any prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment thereof was punished by extortionate means.

"(c) In any prosecution under this section, if evidence has been introduced tending to show the existence, at the time the extension of credit in question was made, of the circumstances described in section 892(b) (1) or the circumstances described in section 892(b) (2), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in

fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

"§ 895. Immunity of witnesses

"Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness in any case or proceeding before any grand jury or court of the United States involving any violation of this chapter is necessary to the public interest, he, upon the approval of the Attorney General or his designated representative, may make application to the court that the witness be instructed to testify or produce evidence subject to the provisions of this section. Upon order of the court the witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor may testimony so compelled be used as evidence in any criminal proceeding against him in any court, except a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

"§ 896. Effect on State laws

"This chapter does not preempt any field of law with respect to which State legislation would be permissible in the absence of this chapter. No law of any State which would be valid in the absence of this chapter may be held invalid or inapplicable by virtue of the existence of this chapter, and no officer, agency, or instrumentality of any State may be deprived by virtue of this chapter of any jurisdiction over any offense over which it would have jurisdiction in the absence of this chapter."

(b) This table of chapters captioned "Part I—Crimes" at the beginning of part I of title 18 of the United States Code is amended by inserting

"42. Extortionate credit transactions— 891"
Immediately above
"43. False personation— 911".

§ 203. Reports by Attorney General

The Attorney General shall make an annual report to Congress of the activities of the Department of Justice in the enforcement of chapter 42 of title 18 of the United States Code.

EXPLANATION IN CONFERENCE REPORT

In House Report 90-1397, the conference report on the Consumer Credit Protection Act, the managers on the part of the House, Representatives PATMAN, BARRETT, SULLIVAN, REUSS, ASHLEY, MOORHEAD, WIDNALL, PINO, DWYER, explained the scope and purpose of title II as follows:

TITLE II—EXTORTIONATE CREDIT TRANSACTIONS

Title II of the conference substitute is aimed directly at the activities of organized crime. This title, which passed the House as section 102 of the House's amendment to S. 5, makes it a Federal offense to make extortionate extensions of credit, to finance the making of extortionate extensions of credit, or to collect any extensions of credit by extortionate means.

An extortionate extension of credit is defined as any extension of credit with respect to which it is the understanding of

the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

Similarly, an extortionate means is defined as any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

CONSTITUTIONAL BASIS

Article I, section 8, of the Constitution expressly empowers Congress to make "uniform laws on the subject of bankruptcies." In the exercise of this power, Congress has enacted the Bankruptcy Act, which confers on any debtor the statutory right, with certain qualifications, to be discharged of his debts by applying substantially all of his property toward their repayment. It is obvious, however, that obligations as to which there is an understanding that they may be collected by extortionate means, or which are actually so collected, are not susceptible of being "discharged" in bankruptcy in any meaningful sense. Such transactions thus deprive the debtor of a Federal statutory right, and at the same time defeat one of the principal purposes of the Bankruptcy Act, which is to afford insolvent persons the opportunity to make a fresh start. Thus, it seems clearly within the power of the Congress to protect the Federal statutory right, and to assure that the bankruptcy laws will be carried into execution, by enacting legislation to prohibit extortionate credit transactions. In addition, there is ample evidence that such transactions are being carried on on a large scale and that they have a substantial impact on interstate commerce. Section 201 of the conference substitute is an explicit statement of the foregoing rationale.

TECHNICAL STRUCTURE

Section 202 adds to title 18 of the United States Code a new chapter 42 consisting of sections numbered 891 through 896. Section 891 sets forth definitions and rules of construction, the most important of which are the definitions of extortionate extensions of credit and extortionate means, which are quoted above.

EXTORTIONATE EXTENSION OF CREDIT

Section 892(a) provides—

Whoever makes any extortionate extension of credit, or conspires to do so, shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both.

The major difficulty which confronts the prosecution of offenses of this type is the reluctance of the victims to testify. That is, if they are in genuine fear of the consequences of nonpayment, they are apt to be equally or even more in fear of the consequences of testifying as a complaining witness.

PRIMA FACIE CASE

Section 892(b) provides that if certain factors are present in connection with an extension of credit, there is prima facie evidence that the extension of credit is extortionate. These factors are (1) the inability of the creditor to obtain a personal judgment against the debtor for the full obligation; (2) a rate of interest in excess of 45 percent per annum; (3) a reasonable belief on the part of the debtor that the creditor either had used extortionate means in the collection of one or more other extensions of credit, or that he had a reputation for the use of such means; and (4) that the total amount involved between the debtor and the creditor was more than \$100.

In the light of common experience, the inference of the use of extortionate means from the foregoing factors seems strong enough to make it constitutionally permissible to put the burden on the defendant

to come forward with evidence to show the innocent nature of the transaction, if such was the case. In arms-length transactions, people simply do not lend sums of money at exorbitant rates of interest under circumstances where they cannot enforce the obligation to repay. Where the prosecution has shown the absence of legal means to enforce the obligation, it is a reasonable inference, in the absence of evidence to the contrary, that illegal means were contemplated. Any debtor who deals with a creditor under these circumstances, knowing or reasonably believing that the creditor has used extortionate means in the past, may be fairly surmised to know what he is getting into.

The debtor, of course, may be unavailable or, for reasons already discussed, unwilling to testify. Section 892(c) permits the court, in its discretion, where evidence has already been introduced tending to show either uncollectability or a rate of interest in excess of 45 percent, to allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension of credit. The trial court is in the best possible position to appraise the probative value of such evidence and to weigh that against its possible prejudicial effects. The ban on reputation evidence as part of the prosecution's case in chief has never been absolute, and where, as here, it is directly relevant to the state of mind of the parties in entering into the transaction, there will undoubtedly arise cases where it should very properly be before the trier of facts.

Finally, it is intended that the inference created by the presence of the factors set forth in section 892(b) may be weighed by the jury as evidence. It is not a mere rebuttable presumption, and is not to be treated under the rule adopted in some jurisdictions with respect to such presumptions, which are said to be wholly dispelled by the introduction of any direct evidence.

NONEXCLUSIVENESS OF SECTION 892 (B)

It should be emphasized, however, that the offense under section 892, and the only offense, is the making of an extension of credit with the understanding that criminal means may be used to enforce repayment, or conspiracy to make such an extension. Where this offense can be proved by direct evidence, it may be unnecessary for the prosecution to make use of sections 892(b) and 892(c).

Section 892 is in no sense a Federal usury law. The charging of a rate in excess of 45 percent per annum is merely one of a set of factors which, where there is inadequate evidence to explain them, are deemed sufficiently indicative of the existence of criminal means of collection to justify a statutory inference that such means were, in fact, contemplated by the parties.

FINANCING EXTORTIONATE EXTENSIONS OF CREDIT

In organized crime, loan sharking is normally carried out as a multi-level operation. It is the purpose of section 893 to make possible the prosecution of the upper levels of the criminal hierarchy. It should not be supposed that the enactment of this legislation will suddenly do away with the immense practical difficulties which attend any effort to prosecute the top levels of organized crime. Nevertheless, in those instances where legally admissible evidence can be gathered to trace the flow of funds from the upper levels, the legal capability to prosecute the organizers and financiers of the underworld, as well as loan sharks at the operating level, would appear to be a worthwhile weapon to add to the Government's arsenal.

Section 893 has been carefully drawn to preclude the possibility of creating difficulties for legitimate lenders or those who furnish financing to them. It should be noted that no case is made out where it is shown

that funds were advanced to a lender who subsequently collected an indebtedness by criminal means. To come within the prohibition of section 893, the financier must have had reasonable grounds to believe that it was the intention of the lender to use the funds for extortionate extensions of credit; that is, extensions of credit whose extortionate character is known to both the borrower and the lender at their inception.

EXTORTIONATE COLLECTION

Not everyone who falls into the clutches of a loan shark is necessarily aware at the outset of the nature of the transaction into which he has entered. Moreover, cases will arise where the use of extortionate means of collection can be demonstrated even though it cannot be shown that a bilateral understanding that such would be the case existed at the outset. Section 894(a) covers these situations by making it a criminal offense to collect an indebtedness by extortionate means, regardless of how the indebtedness arose. Section 894(b) merely codifies a principle of evidence which already appears to be recognized in the case law, but whose importance in this area is sufficiently great to make it desirable to leave no doubt whatever as to its applicability. It allows evidence as to other criminal acts by the defendant to be introduced for the purpose of showing the victim's state of mind. Section 894(c) is similar to section 892(c), discussed above, and was included on the basis of the same considerations.

COMPULSORY TESTIMONY

Section 895 authorizes the Government, in any case or proceeding before any grand jury or court involving a violation of this chapter, to compel the testimony of witnesses claiming the fifth amendment privilege against self-incrimination. This may be done, however, only when, in the judgment of the U.S. attorney, the testimony or evidence involved is necessary to the public interest, and then only by order of the court on the application of the U.S. attorney with the approval of the Attorney General or his designated representative. Any witness so compelled to testify or produce evidence is, of course, granted immunity from prosecution on account of the matters as to which he has been compelled to give evidence.

NO PREEMPTION OF STATE LAWS

Section 896 makes clear the congressional intention not to preempt any field in which State law would be valid in the absence of this chapter.

GENERAL APPLICABILITY

The full utility of chapter 42 as a weapon in the war on organized crime obviously cannot be assessed until it has been tested in battle. Some general observations, however, appear to be in order at this point. As noted above, it is not, and is not intended to be, a Federal usury law, nor does it have anything to do with interest rates as such. It is, rather, a deliberate legislative attack on the economic foundations of organized crime. Most of the business of the underworld, whether in loan sharking, gambling, drugs, "protection," or other activities, involves extensions of credit as defined in section 891 at one or more stages. The methods used in the enforcement of such obligations are notorious. Thus, a very large proportion of underworld financial transactions fall within the ban of one or more of the provisions of chapter 42. It may very well develop that this chapter will find as much usefulness in the investigation and prosecution of transactions entirely within the world of organized crime as it does in connection with transactions between those within that world and those who are otherwise outside it. Be that as it may, the conferees wish to leave no doubt of the congressional intention that chapter 42 is a weapon to be used with vigor and imagina-

tion against every activity of organized crime that falls within its terms.

REPORTS BY ATTORNEY GENERAL

Because of the far-reaching potentials of chapter 42, the conferees have added a final section to title II requiring the Attorney General to make an annual report to Congress on the activities of the Justice Department in the enforcement of its provisions.

NUMEROUS PROSECUTIONS UNDER TITLE II

The Department of Justice has initiated a number of successful prosecutions against underworld characters for violation of the Extortionate Credit Transactions Act, and convictions obtained under the law had been upheld in several different circuit courts, I believe, before the Supreme Court acted yesterday to sustain the constitutionality of the statute in the case of Perez against United States.

The petitioner in the case had been convicted of unlawfully using extortionate means in collecting and attempting to collect an extension of credit to a businessman. He challenged the constitutionality of the statute on the ground that Congress has no power to control local activity of loan sharking. Instead, the Court held, with Justice Potter Stewart dissenting, that title II "was within Congress' power under the commerce clause to control activities affecting interstate commerce and Congress' findings are adequate to support its conclusion that loan sharks who use extortionate means to collect payments on loans are in a class largely controlled by organized crime with a substantially adverse effect on interstate commerce."

The majority opinion was written by Justice Douglas with the concurrence of Chief Justice Burger and Justices Black, Harlan, Brennan, White, Marshall, and Blackmun.

TEXT OF SUPREME COURT MAJORITY OPINION

The preliminary print of Justice Douglas' opinion for the Supreme Court follows:

[Supreme Court of the United States]

Syllabus

PEREZ v. UNITED STATES

(Certiorari to the United States Court of Appeals for the Second Circuit)

No. 600—Argued March 22, 1971—Decided April 26, 1971

Petitioner was convicted of "loan sharking" activities, *i.e.*, unlawfully using extortionate means in collecting and attempting to collect an extension of credit, in violation of Title II of the Consumer Credit Protection Act, and his conviction was affirmed on appeal. He challenges the constitutionality of the statute on the ground that Congress has no power to control the local activity of loan sharking. *Held:* Title II of the Consumer Credit Protection Act is within Congress' power under the Commerce Clause to control activities affecting interstate commerce and Congress' findings are adequate to support its conclusion that loan sharks who use extortionate means to collect payments on loans are in a class largely controlled by organized crime with a substantially adverse effect on interstate commerce. Pp. 3-11.

426 F. 2d 1073, affirmed.

DOUGLAS, J., delivered the opinion of the Court, in which BURGER, C. J., and BLACK, HARLAN, BRENNAN, WHITE, MARSHALL, and BLACKMUN, JJ., joined. STEWART, J., filed a dissenting opinion.

[Supreme Court of the United States—
No. 600—October Term, 1970]

ALCIDES PEREZ, PETITIONER v. UNITED STATES
(On Writ of Certiorari to the United States
Court of Appeals for the Second Circuit)

April 26, 1971

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

The question in the case is whether Title II of the Consumer Credit Protection Act, 82 Stat. 159, 18 U.S.C. (Supp. V) § 891 *et seq.*, as construed and applied to petitioner, is a permissible exercise by Congress of its powers under the Commerce Clause of the Constitution. Petitioner's conviction after trial by jury and his sentence were affirmed by the Court of Appeals, one judge dissenting, 426 F. 2d 1073. We granted the petition for a writ of certiorari because of the importance of the question presented, 400 U.S. 915. We affirm that judgment.

Petitioner is one of the species commonly known as "loan sharks" which Congress found are in large part under the control of "organized crime."¹ "Extortionate credit transactions" are defined as those characterized by the use or threat of the use of "violence or other criminal means" in enforcement.² There was ample evidence showing petitioner was a "loan shark" who used the threats of violence as a method of collection. He loaned money to one Miranda, owner of a new butcher shop, making a \$1,000 advance to be repaid in installments of \$105 per week for 14 weeks. After paying at this rate for six or eight weeks, petitioner increased the weekly payment to \$130. In two months Miranda asked for an additional loan of \$2,000 which was made, the agreement being that Miranda was to pay \$205 a week. In a few weeks petitioner increased the weekly payment to \$330. When Miranda objected, petitioner told him about a customer who refused to pay and ended up in a hospital.

¹ Section 201 of Title II contains the following findings by Congress:

"(1) Organized crime is interstate and international in character. Its activities involve many billions of dollars each year. It is directly responsible for murders, willful injuries to person and property, corruption of officials, and terrorization of countless citizens. A substantial part of the income of organized crime is generated by extortionate credit transactions.

"(2) Extortionate credit transactions are characterized by the use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means of enforcing repayment. Among the factors which have rendered past efforts at prosecution almost wholly ineffective has been the existence of exclusionary rules of evidence stricter than necessary for the protection of constitutional rights.

"(3) Extortionate credit transactions are carried on to a substantial extent in interstate and foreign commerce and through the means and instrumentalities of such commerce. Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce."

² Section 891 provides in part:

"(6) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

"(7) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person."

tal. So Miranda paid. In a few months petitioner increased his demands to \$500 weekly which Miranda paid, only to be advised that at the end of the week petitioner would need \$1,000. Miranda made that payment by not paying his suppliers; but, faced with a \$1,000 payment the next week, he sold his butcher shop. Petitioner pursued Miranda, first making threats to Miranda's wife and then telling Miranda he could have him castrated. When Miranda did not make more payments, petitioner said he was turning over his collections to people who would not be nice but who would put him in the hospital if he did not pay. Negotiations went on, Miranda finally saying he could only pay \$25 a week. Petitioner said that was not enough, that Miranda should steal or sell drugs if necessary to get the money to pay the loan, and that if he went to jail it would be better than going to a hospital with a broken back or legs. He added, "I could have sent you to the hospital, you and your family, any moment I want with my people."

Petitioner's arrest followed. Miranda, his wife, and an employee gave the evidence against petitioner who did not testify nor call any witnesses. Petitioner's attack was on the constitutionality of the Act, starting with a motion to dismiss the indictment.

The constitutional question is a substantial one.

Two "loan shark" amendments to the bill that became this Act were proposed in the House—one by Congressman Poff of Virginia, 114 Cong. Rec. pt. 2, pp. 1605-1606—and another one by Congressman McDade of New Jersey, *id.*, 1609-1610.

The House debates include a long article from the New York Times Magazine for January 28, 1968, on the connection between the "loan shark" and organized crime. *Id.*, at 1428-1431. The gruesome and stirring episodes related have the following as a prelude:

"The loan shark, then, is the indispensable 'money-mover' of the underworld. He takes 'black', money tainted by its derivation from the gambling or narcotics rackets and turns it 'white' by funneling it into channels of legitimate trade. In so doing, he exacts usurious interest that doubles the black-white money in no time; and, by his special decrees, by his imposition of impossible penalties, he greases the way for the underworld takeover of entire businesses." *Id.*, at 1429.

There were objections on constitutional grounds. Congressman Eckhardt of Texas said:

"Should it become law, the amendment would take a long stride by the Federal Government toward occupying the field of general criminal law and toward exercising a general Federal police power; and it would permit prosecution in Federal as well as State courts of a typically State offense. . . .

"I believe that Alexander Hamilton, though a federalist, would be astonished that such a deep entrenchment on the rights of the States in performing their most fundamental function should come from the more conservative quarter of the House." 114 Cong. Rec. pt. 2, p. 1610.

Senator Proxmire presented to the Senate the Conference Report approving essentially the "loan shark" provision suggested by Congressman McDade, saying:

"Once again these provisions raised serious questions of Federal-State responsibilities. Nonetheless, because of the importance of the problem, the Senate conferees agreed to the House provision. Organized crime operates on a national scale. One of the principal sources of revenue of organized crime comes from loan sharking. If we are to win the battle against organized crime, we must strike at their source of revenue and give the Justice Department additional tools to deal with the problem. The problem simply cannot be solved by the States alone. We must bring into play the full resources of

the Federal Government." 114 Cong. Rec. pt. 11, p. 14490.

The Commerce Clause reaches in the main three categories of problems. First, the use of channels of interstate or foreign commerce which Congress deems are being misused, as for example, the shipment of stolen goods (18 U.S.C. §§ 2312-2315) or of persons who have been kidnapped. 18 U.S.C. § 1201. Second, protection of the instrumentalities of interstate commerce, as for example, the destruction of an aircraft (18 U.S.C. § 32), or persons or things in commerce, as for example, thefts from interstate shipments. 18 U.S.C. § 659. Third, those activities affecting commerce. It is with this last category that we are here concerned.

Chief Justice Marshall in *Gibbons v. Ogden*, 9 Wheat. 1, 195, said:

"The genius and character of the whole government seems to be, that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the states generally; but not to those which are completely within a particular state, which do not affect other states, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the government. The completely internal commerce of a state, then, may be considered as reserved for the state itself."

Decisions which followed departed from that view; but by the time of *United States v. Darby*, 312 U.S. 100, and *Wickard v. Filburn*, 317 U.S. 117, the broader view of the Commerce Clause announced by Chief Justice Marshall had been restored. Chief Justice Stone wrote for a unanimous Court in 1942 that Congress could provide for the regulation of the price of intrastate milk, the sale of which, in competition with interstate milk, affects the price structure and federal regulation of the latter. *United States v. Wrightwood Dairy Co.*, 315 U.S. 110. The commerce power, he said, "extends to those activities intrastate which so affect interstate commerce, or the exertion of the power of Congress over it, as to make regulation of them appropriate means to the attainment of a legitimate end, the effective execution of the granted power to regulate interstate commerce." *Id.*, at 119.

Wickard v. Filburn, 317 U.S. 111, soon followed in which a unanimous Court held that wheat grown wholly for home consumption was constitutionally within the scope of federal regulation of wheat production because, though never marketed interstate, it supplied the need of the grower which otherwise would be satisfied by his purchases in the open market.³ We said:

"... even if appellee's activity be local and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce, and this irrespective of whether such effect is what might at some earlier time have been defined as 'direct' or 'indirect.'" 317 U.S., at 125.

As pointed out in *United States v. Darby*, 312 U.S. 100, the decision sustaining an Act of Congress which prohibited the employment of workers in the production of goods "for interstate commerce" at other than prescribed wages and hours—a class of activities—was held properly regulated by Congress without proof that the particular intrastate activity against which a sanction was laid had an effect on commerce. A unanimous Court said:

"... Congress has sometimes left it to the courts to determine whether the intrastate

activities have the prohibited effect on the commerce, as in the Sherman Act. It has sometimes left it to an administrative board or agency to determine whether the activities sought to be regulated or prohibited have such effect, as in the case of the Interstate Commerce Act, and the National Labor Relations Act, or whether they come within the statutory definition of the prohibited Act, as in the Federal Trade Commission Act. And sometimes Congress itself has said that a particular activity affects the commerce, as it did in the present Act, the Safety Appliance Act and the Railway Labor Act. In passing on the validity of legislation of the class last mentioned the only function of courts is to determine whether the particular activity regulated or prohibited is within the reach of the federal power." (Italics added.) *Id.*, 120-121.

That case is particularly relevant here because it involved a criminal prosecution, a unanimous Court holding that the Act was "sufficiently definite to meet constitutional demands." *Id.*, at 125. Petitioner is clearly a member of the class which engages in "extortionate credit transactions" as defined by Congress⁴ and the description of that class has the required definiteness.

It was the "class of activities" test which we employed in *Atlanta Motel v. United States*, 379 U.S. 241, to sustain an Act of Congress requiring hotel or motel accommodations for Negro guests. The Act declared that "any inn, hotel, motel, or other establishments which provides lodging to transient guests affects commerce *per se.*" *Id.*, at 247. That exercise of power under the Commerce Clause was sustained.

"... our people have become increasingly mobile with millions of people of all races traveling from State to State; that Negroes in particular have been the subject of discrimination in transient accommodations, having to travel great distances to secure the same; that often they have been unable to obtain accommodations and have had to call upon friends to put them up overnight... and that these conditions had become so acute as to require the listing of available lodging for Negroes in a special guidebook. . . ." 379 U.S. 252-253.

In a companion case, *Katsenbach v. McClung*, 379 U.S. 294, we ruled on the constitutionality of the restaurant provision of the same Civil Rights Act which regulated the restaurant "if . . . it serves or offers to serve interstate travelers or a substantial portion of the food which it serves . . . has moved in commerce." *Id.*, at 298. Apart from the effect on the flow of food in commerce to restaurants, we spoke of the restrictive effect of the exclusion of Negroes from restaurants on interstate travel by Negroes.

"... there was an impressive array of testimony that discrimination in restaurants had a direct and highly restrictive effect upon interstate travel by Negroes. This resulted, it was said, because discriminatory practices prevent Negroes from buying prepared food served on the premises while on a trip, except in isolated and unkept restaurants and under most unsatisfactory and often unpleasant conditions. This obviously discourages travel and obstructs interstate commerce for one can hardly travel without eating. Likewise, it was said, that discrimination deterred professional, as well as skilled, people from moving into areas where such practices occurred and thereby caused industry to be reluctant to establish there." *Id.*, at 300.

In emphasis of our position that it was the class of activities regulated that was the measure, we acknowledged that Congress appropriately considered the "total incidence" of the practice on commerce. *Id.*, at 301.

³ That decision has been followed: *Beckman v. Mall*, 317 U.S. 597; *Bender v. Wickard*, 319 U.S. 731; *United States v. Haley*, 358 U.S. 644; *United States v. Ohio*, 385 U.S. 9.

⁴ See n. 2, *supra*.

Where the class of activities is regulated and that class is within the reach of federal power, the courts have no power "to excise, as trivial, individual instances" of the class. *Maryland v. Wirtz*, 392 U.S. 183, 193.

Extortionate credit transactions, though purely intrastate, may in the judgment of Congress affect interstate commerce. In an analogous situation, Mr. Justice Holmes, speaking for a unanimous Court, said "... when it is necessary in order to prevent an evil to make the law embrace more than the precise thing to be prevented it may do so." *Westfall v. United States*, 274 U.S. 256, 259. In that case an officer of a state bank which was a member of the Federal Reserve System issued a fraudulent certificate of deposit and paid it from the funds of the state bank. It was argued that there was no loss to the Reserve Bank. Mr. Justice Holmes replied, "But every fraud like the one before us weakens the member bank and therefore weakens the system." *Id.*, at 259. In the setting of the present case there is a tie-in between local loan sharks and interstate crime.

The findings by Congress are quite adequate on that ground. The McDade Amendment in the House, as already noted, was the one ultimately adopted. As stated by Congressman McDade it grew out of a "profound study of organized crime, its ramifications and its implications" undertaken by some 22 Congressmen in 1966-67, CONGRESSIONAL RECORD, volume 114, part 11, page 14391. The results of that study were included in a report, *The Urban Poor and Organized Crime*, submitted to the House on August 29, 1967, which revealed that "organized crime takes over \$350 million a year from America's poor through loan-sharking alone." See 113 Cong. Rec. 24460-24464. Congressman McDade also relied on *The Challenge of Crime in a Free Society*, A Report by the President's Commission on Law Enforcement and Administration of Justice (February 1967) which stated that loan sharking was "the second largest source of revenue for organized crime," *id.*, at 189, and is one way by which the underworld obtains control of legitimate businesses. *Id.*, at 190.

The Congress also knew about New York's Report, *An Investigation of the Loan Shark Racket* (1955). See CONGRESSIONAL RECORD, volume 114, part 2, pages 1428-1431. That report shows the loan shark racket is controlled by organized criminal syndicates, either directly or in partnership with independent operators; that in most instances the racket is organized into three echelons, with the top underworld "bosses" providing the money to their principal "lieutenants," who in turn distribute the money to the "operators" who make the actual individual loans; that loan sharks serve as a source of funds to bookmakers, narcotics dealers, and other racketeers; that victims of the racket include all classes, rich and poor, businessmen and laborers; that the victims are often coerced into the commission of criminal acts in order to repay their loans; that through loan sharking the organized underworld has obtained control of legitimate businesses, including securities brokerages and banks which are then exploited; and that, "Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce."²

Shortly before the Conference bill was adopted by Congress a Senate Committee had held hearings on loan sharking and that testimony was made available to members of the House. See 114 Cong. Rec. 14390.

² Seen n. 1, *supra*.

The essence of all these reports and hearings was summarized and embodied in formal congressional findings. They supplied Congress with the knowledge that the loan shark racket provides organized crime with its second most lucrative source of revenue, exacts millions from the pockets of people, coerces its victims into the commission of crimes against property, and causes the takeover by racketeers of legitimate businesses. See generally CONGRESSIONAL RECORD, volume 114, part 11, pages 14391, 14392, 14395, 14396.

We have mentioned in detail the economic, financial, and social setting of the problem as revealed to Congress. We do so not to infer that Congress need make particularized findings in order to legislate. We relate the history of the Act in detail to answer the impassioned plea of petitioner that all that is involved in loan sharking is a traditionally local activity. It appears, instead, that loan sharking in its national setting is one way organized interstate crime holds its guns to the heads of the poor and the rich alike and syphons funds from numerous localities to finance its national operations. Affirmed.

JUSTICE STEWART'S DISSENT

Justice Stewart's dissenting opinion, as released yesterday as a preliminary print, is as follows:

[Supreme Court of the United States—No. 600.—October Term, 1970]

ALCIDES PEREZ, PETITIONER, v. UNITED STATES
(On Writ of Certiorari to the United States Court of Appeals for the Second Circuit)

April 26, 1971

Mr. Justice Stewart, dissenting.

Congress surely has power under the Commerce clause to enact criminal laws to protect the instrumentalities of interstate commerce, to prohibit the misuse of the channels or facilities of interstate commerce, and to prohibit or regulate those intrastate activities which have a demonstrably substantial effect on interstate commerce. But under the statute before us a man can be convicted without any proof of interstate movement, of the use of the facilities of interstate commerce, or of facts showing that his conduct affected interstate commerce. I think the Framers of the Constitution never intended that the national Government might define as a crime and prosecute such wholly local activity through the enactment of federal criminal laws.

In order to sustain this law we would, in my view, have to be able at the least to say that Congress could rationally have concluded that loan sharking is an activity with interstate attributes which distinguish it in some substantial respect from other local crime. But it is not enough to say that loan sharking is a national problem, for all crime is a national problem. It is not enough to say that some loan sharking has interstate characteristics, for any crime may have an interstate setting. And the circumstance that loan sharking has an adverse impact on interstate business is not a distinguishing attribute, for interstate business suffers from almost all criminal activity, be it shoplifting or violence in the streets.

Because I am unable to discern any rational distinction between loan sharking and other local crime, I cannot escape the conclusion that this statute was beyond the power of Congress to enact. The definition and prosecution of local, intrastate crime are reserved to the States under the Ninth and Tenth Amendments.

HANOI RADIO SENDS SYMPATHY MESSAGE TO ANTIWAR DEMONSTRATORS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. RARICK. Mr. Speaker, Radio Hanoi's message from the Daily Report of Foreign Broadcast Information Service for Wednesday, April 21, should be illuminating to those Americans who wonder about all of the antiwar commotion which is provoking tension throughout our country.

Hanoi's Professor Giam, chairman of the Vietnam Committee for Solidarity with the American People, is said to have "sent a message to antiwar veterans in the United States to express warm sympathy with the new antiwar campaigns in the spring."

The text of Professor Giam's message to his "dear American friends" sounds more like a call to arms to a guerrilla army in the United States.

The North Vietnam propagandists, like their American friends, are interested in far more than such a noble purpose as ending war. They are after total U.S. defeat in disgrace and the destruction of the United States of America. Perhaps to their way of rationalization in a Communist prison cell there is no war and four gray walls could bring peace.

I ask that the Radio Hanoi broadcast and the Herald of Freedom publication containing "Revolution USA 1971," for April 16, 1971, follow:

HOANG MINH GIAM LETTER SUPPORTS U.S. ANTIWAR ACTIVITIES

Hanoi VNA International Service in English 1557 GMT 17 Apr 71 B

[Text] Hanoi VNA April 17—Prof. Hoang Minh Giam, chairman of the Vietnam Committee for Solidarity with the American People, has sent a message to anti-war fighters in the United States to express warm sympathy with the new anti-war campaigns in the spring.

"The nation-wide action," the message said, "together with the previous ones, are the high crests of the rising waves of indignation among the American people. They constitute an ever-growing force checking the advance of the Nixon administration's adventurous and war-like policies.

"Through concrete actions, you voice the aspirations of the majority of the American people, the genuine Americans who cherish freedom, democracy, and justice. You also contribute to consolidating and developing the solidarity and mutual understanding between our two peoples.

"In the last period, you have had to overcome many difficulties resulting from the U.S. administration's maneuvers of deception, division, and repression. The U.S. authorities have branded the peace movement 'unpatriotic' and have persecuted many of its fighters. Along with the repression of the Black Panther party and other organizations, they have framed up the Angela Davis case and are engineering the so-called 'Kissinger conspiracy' in an attempt to crush the Berrigan brothers and others.

"But the American people will not be ignored. Anti-war feelings, far from abating,

are mounting higher and higher. The American people, the silent majority in America, have enough facts to compare the Nixon administration's words with its deeds. They can see the origin of the innumerable internal difficulties now facing the United States.

"Mr. Nixon says he will wind down the war on his way to ending it. In fact, the war in South Vietnam is not only continuing and getting more and more ferocious, it is expanding to Laos and Cambodia and threatens to spread to North Vietnam. American lives, American people's wealth, are uselessly squandered in Vietnam.

"Mr. Nixon says the 'Vietnamization' policy is gaining success. But the movement of the people in the cities as well as in the countryside in South Vietnam is developing. Meanwhile, the puppet army and puppet administration are weakening, becoming more and more corrupt, as they go from one failure to another.

"Mr. Nixon talks about the Vietnamese people's right to self-determination. But he still clings to Thieu-Ky-Khiem and uses American and puppet troops to perpetrate abominable crimes in South Vietnam, crimes which offend the conscience of the people of America and the world and heap dishonor upon the United States.

"Mr. Nixon says he is giving priority to domestic affairs. But inflation, unemployment, and crime rates are spiralling in the U.S.

"Therefore, the majority of the American people have realized that there will be no solution to these difficulties so long as the war goes on. You are demanding that the U.S. administration put an end to the war, and set the date for total withdrawal of U.S. troops from South Vietnam before the end of 1971, that they discontinue support of Thieu-Ky-Khiem and respect the Vietnamese people's right to self-determination."

The message went on: "You have started to mobilize all the forces in the ethnic groups, religious communities, and different social strata to build for anti-war activities around the nation this spring. The 'people's peace treaty' which reflects the common aspirations of our two peoples, is commanding more and more endorsement and support. Your diversified activities, either centralized or decentralized, if able to stimulate and involve the peace forces, all contribute to checking the war policies of the U.S. administration, while preserving the interests of the American people and the honor of the United States. At the same time, they are a strong encouragement to the Vietnamese people in their fight for independence and freedom."

REVOLUTION U.S.A., 1971

In the minds of most people the word "revolution" in the past has meant "overthrow of a government, form of government or social system with another taking its place" (Webster's Dictionary—College Edition—1957). Through a Pavlovian type process the word "revolution" in very recent years is being used in connection with changes in education, health care, correcting "social evils," and most recently was used by President Nixon in his State of the Union message as a projected program—"The New American Revolution." Thus the word "revolution" is so frequently used in connection with matters not having to do with the overthrow of governments that the word has attained respectability. When people now hear or read the word, it does not invoke the apprehension it did previously.

The fact is that a revolution is going on in the U.S. and has been for a number of years. It operates on two levels: from within the government, which can be described as the pressure from above and in the mass movements, constituting the pressure from below.

The mass movement (pressure from below)

requires the support of a large portion of the population and, therefore, must be built around a cause with mass appeal. This recently has taken the form of the anti-war-in-Vietnam and anti-draft movement with numerous organizations participating, most of them Communist-controlled or influenced. Another popular mass movement is in the field of so-called "civil rights." Originally seeking equal rights, job opportunities, and integration, it has expanded to dozens of organizations with varying degrees of militancy, from civil disobedience advocates to inciters of riots, arsonists, and assassins. A third mass movement is in the area of expanded welfare through which literally millions of people who formerly supported themselves are now dependent upon the government and politicians. The welfare recipients have been organized nationally to perpetuate welfare, to present a voting block and to threaten the political future of candidates who oppose their demands. The organized student groups and associations constitute another mass movement and the leadership in this area is, for the most part, liberal, radical or pro-Communist. These groups are financed by foundations and the U.S. government, through various grants and surreptitiously through the CIA.

On the level of pressure from above, the government "yields" to the demands made by the groups mentioned above whose programs have been encouraged and financed in many cases by the government itself. In the guise of helping to solve the various problems as they arise, the government obtains more and more control over the people, which invariably leads to totalitarianism or dictatorship. Through financial grants the government secures more and more control of the educational institutions of the country and recently planned its control over the raising of children. Through the use of financial support, grants, handouts and now "revenue-sharing," the federal government (as it moves into a field of American life) also gets control . . . with the money go the strings. This applies to the last line of defense (police departments) where the government is making enormous grants supposedly to fight crime, but lawlessness in the streets is increasing and they know it. In the health and medical services, they are moving slowly but surely towards socialized medicine. In the field of transportation, railroads are becoming indebted to the federal government because of high taxes, improper unprofitable rate schedules, until before long the government will have control of much of the means of transportation. In the field of agriculture, there has been continuous control over many segments of farming since the days of the Roosevelt Administration. Farmers are paid not to plant, not to raise food at a time when food is needed. Regulations and subsidies have given the government a strong hold over agriculture. In addition, there is and has been under way, with foundation support and government approval, an effort to organize farm workers throughout the country so as to be able to further control the food supply.

Opposing the pressure from above and below are anti-Communist individuals and organizations whom the government, spending billions of dollars allegedly "fighting communism," should be supporting. To the contrary, constant efforts are being made to see that such organizations do not have tax-exempt status and the controlled communications media consistently make an effort to discredit those individuals and organizations who oppose Communism. Conservative religious organizations are harassed and efforts are made to discredit their programs. Local police, who in the past had been able to control radicalism, subversion, riots and other lawlessness, have been subjected to civilian control, review boards, discrediting publicity and even assaults and assassina-

tions. The military, also in the category of resistance, is being undermined through "little Nuremberg trials," adverse propaganda, publicity, liberalization of military discipline and government-sanctioned servicemen's "unions," underground press, left-wing coffee house programs, and organized activities to urge draft resistance and desertion.

During the past few years Americans have witnessed an unprecedented number of bombings, arson, property destruction and violence in the streets; that the Communist Conspiracy is involved in all of the above activities; can no longer be concealed. The once-free their home. Whereas, in the past, Communist sanctuary which the U.S. Government protects from interference from the U.S. based anti-Communist Cubans seeking to free their home. Whereas, in the past, candidates for Communist leadership and guerrilla warfare training traveled to Moscow or Prague, now the principal center for training in guerrilla warfare and subversion is Cuba. Since Castro seized power and established the Communist police state in Cuba, over 5,000 Americans have traveled there. Intelligence sources report that at least 1,500 are known to have been indoctrinated, trained, and funded in Cuba for revolutionary purposes. In addition to Cubans, there are Russians, North Vietnamese, North Koreans and Red Chinese instructors teaching Americans how to overthrow their government. Among nationally known revolutionaries who have been trained in Cuba are Tom Hayden, Dave Dellinger, Mark Rudd, Jerry Rubin, Bernadine Dohrn, Angela Davis, Robert F. Williams, Stokely Carmichael, Jacob Rosen, Eldridge Cleaver, Abbie Hoffman, Robert Scheer, Linda Sue Evans, Kathy Boudin and many, many others.

For several years, the top Communist, in charge of training Americans for revolution and guerrilla warfare in Cuba, has been Commander Manolo Pinero (also spelled Pinheiro), alias Barba Roja (Red Beard). This individual holds a high echelon position in the Cuban armed forces; he studied at Columbia University in New York City and is married to an American-born Communist whom he met while a student at Columbia U.

Among others who have been trained in Cuba for guerrilla warfare (who in turn were to instruct others) have been key individuals from the Students for a Democratic Society (SDS), Progressive Labor Party (PLP) Communist Party, USA (CPUSA), Young Socialist Alliance (YSA), Committee of Returned Volunteers (CRV), Student Non-Violent Coordinating Committee (SNCC), Black Panther Party (BPP), Revolutionary Action Movement (RAM), the Puerto Rican Independence Movement (PRIM) and a number of other organizations and splinter groups including the Weathermen. The group of revolutionaries, known as the Chicago Seven, convicted after trial in Chicago, have received permission from the judges of the U.S. Court of Appeals for the 7th Circuit to make some 40 trips outside the U.S. These trips were to the Soviet Union, France, Canada, Italy, Puerto Rico, Mexico, Sweden, Belgium, Finland, Denmark, Norway, Great Britain, Yugoslavia, and Ireland. In many cases, the revolutionaries met with other revolutionaries in these foreign countries and also raised funds.

In the U.S. they have lectured in colleges, received large honorariums, urged students to riot, in spite of the fact that they were convicted on February 18, 1970 of crossing state lines to incite a riot. Had the government wished, it could have had them re-arrested, placed under high bail, and their movement restricted. Compare the treatment and freedom of these convicted revolutionaries with that of former Newark Mayor Hugh Addonizio who, while under indictment but not yet convicted and without

any criminal record, was forbidden to travel from Newark to New York City to appear on television.

Some indicted revolutionaries have gone underground, others have left the country for sanctuary in Algeria. It is improbable that these young people can successfully evade the police and the FBI without assistance from the Communist underground. These revolutionaries are so well trained that they have been able to plant a bomb in the capitol of the U.S. and in police headquarters in New York, the largest city in the country. There have been approximately 5,000 bombings plus many more thousands of bomb scares; U.S. News and World Report of March 15, 1971 states that bombs are being set off at the rate of three a day across the U.S. Bomb targets have included business firms, colleges, military establishments, state and local government offices as well as federal buildings. Attacks on the police have also been increasing; in 1970, there were 97 policemen killed in criminal assaults and during the first two months of 1971 the National Association of Chiefs of Police reported about 23 police have been killed and 246 wounded.

Mass "pressure from below" is being planned by the National Peace Action Coalition which held a meeting in Chicago, Illinois at the United Packinghouse Workers Union Center between December 4 and 6 of 1970. Plans were initiated at this meeting of 1,200 anti-war activist delegates to begin massive anti-war action in Washington, D.C. and San Francisco, California on April 24, 1971. Additional proposals were made for nationwide demonstrations to take place on April 3 and 4 to commemorate the death of Rev. Martin Luther King, Jr. Sidney Lens, a member of the National Coalition Against War, Racism and Repression, urged participation in a massive protest on May 1. Attending the National Peace Action Coalition meeting were many well-known Communists and both Communist and Trotskyite literature was openly displayed on tables.

The National Peace Action Committee coordinators are Jerry Gordon, a Cleveland attorney who is one of the defense counsels for the 25 indicted students and faculty at Kent State University; Jim Lafferty, who is co-chairman of the Detroit Committee to End the War; Ruth Gage-Colby, veteran leader of Women's International League for Peace and Freedom; John T. Williams, vice president of the Los Angeles Teamsters Local 208, whose local was placed into trusteeship by the international office of the Teamsters Union because of a wildcat strike; Don Gurewitz, executive secretary of the Student Mobilization Committee.

On the Steering Committee of the National Peace Action Committee are Katie Baird, of the Peace Action Committee; Abe Bloom of the Washington, D.C. area Peace Action Coalition; Kay Camp of the Philadelphia branch of Women's International League for Peace and Freedom, Orrie Chambers, chairman of the Black Caucus of Newark Teachers Union, Local 481; Spec/4 David Cortwright of Ft. Bliss GIs for Peace; Bill Cirone of Atlanta Peace Coalition; Grady Glenn, president of Frame Unit Local 600, UAW; Fred Halstead of the (Communist) Socialist Workers Party; Carol Lipman, west coast coordinator of Student Mobilization Committee; Michael Lux of National Alliance of Postal and Federal Employees of Berkeley, Calif.; Ron Wolin, coordinator of N.Y. Peace Action Committee; Rachel Jacobs of the Chicago Women's Liberation Union; and Kate Moore of the Chicago NAACP.

The National Peace Action Coalition will sponsor a massive assembly at Washington, D.C. on April 24 and what was to have been a massive demonstration on May 1 has been changed to activities covering May 1 through May 5. Supposedly violence will be avoided

on May 1 in order to encourage the largest possible participation. On May 1 there will be concerts, a rock festival, work shops and special meetings at Washington, D.C. (to attract the youth). On May 2, beginning at 11 a.m. there will be a mammoth assembly and demonstrations at which time demands will be made for a guaranteed annual income of \$5,500, freedom for all "political" prisoners, and an end to the war in Vietnam. On May 3 and 4 the groups will concentrate on the military and a "People's Lobby," and on May 5 the direct action program of halting all business is scheduled. Participating in these programs will be the People's Coalition for Peace and Justice (newly formed), the National Peace Action Coalition, National Welfare Rights Organization, Southern Christian Leadership Conference and the National Farm Workers Organizing Committee. The Vietnam Peace Parade Committee, 17 E. 17th St., N.Y.C. has undertaken a campaign to encourage participation in the Washington demonstrations and the ones expected in principal cities throughout the country. The (Communist) Daily World of March 13, 1971 devoted an entire page to promoting the above activities.

Leftist actress Jane Fonda is also promoting the demonstrations. Speaking to 1,500 people at the Michael Community School in Milwaukee, she stated that May 1 would see strikes, boycotts, tax refusals, messing up the draft boards and turning ROTC buildings into child care centers; as well as mass marches and demonstrations.

Nationally known syndicated columnist Paul Scott stated in his March 8, 1971 release: (quote)

Violent-prone, pro-Hanoi anti-war groups have begun to set up their operational headquarters in the nation's capital for their massive April-May demonstrations to disrupt the federal government.

Boldness of their operations is clearly indicated by the decision to set up in advance command post on capital hill to coordinate legislative anti-war activities with those in the street.

Offices of several anti-war Congressmen, centering around Representative Ronald Dellums (D. Calif.), who traveled to Stockholm, Sweden, late last year to attend the Soviet-oriented anti-war strategy sessions, are being used by the far left activists.

These include David Dellinger and Sidney Peck, pro-red coordinators of anti-war groups and long-time figures in the street protest movement. The two activists are working closely with key strategists of John Gardner's "Common Cause" lobby to use the April-May demonstrations to mobilize nationwide opposition to using U.S. military forces to defend South Vietnam. . . .

Dellinger's and Peck's anti-war groups along with the National Welfare Rights Organization led by George Wiley, the Southern Christian Leadership Conference headed by Ralph Abernathy, and the National Student Association led by David Ifshin . . . (are) to organize and radicalize the street demonstrations, teach-ins and mass protest meetings . . . (end quote)

Mr. Scott obtained information from confidential sources that presidential adviser Henry A. Kissinger has been meeting privately with anti-war protestors and that Kissinger was "very friendly."

An indication of the point to which the revolutionary movement has progressed is the open association of congressmen, senators, civic leaders, theatrical personages, educators, and other prominent people with known Communists and revolutionaries. On March 7, 1971 a full page ad appeared in the New York Times, sponsored by an organization calling itself "People's Peace Treaty." The purpose of this group is to promote a peace treaty between the "people" of the U.S., South Vietnam, and North Vietnam without operating through the U.S.

Government. The Treaty of Peace, drawn up by the National Student Association and student associations of North and South Vietnam calls for immediate and total withdrawal and turning over South Vietnam to a coalition government (which is the equivalent of handing it over to the Communists). The advertisement called for donations and support and among public officials who lent their names to the "People's Peace Treaty" were: Congresswoman Bella Abzug; Congressmen John Conyers of Michigan, Ron Dellums of California, Don Edwards of California, Parren Mitchell of Maryland, William F. Ryan of New York; and Senator Eugene McCarthy.

Among the clergy were Rev. Ralph Abernathy of Southern Christian Leadership Conference, Rev. Daniel Berrigan, S.J., his brother Philip Berrigan, SSJ, Rev. Malcolm Boyd, Rabbi Balfour Brickner, (revolutionary) Father James Groppi, Rev. Jesse Jackson of Operation Breadbasket, Sister Elizabeth McAllister, Sister Mary Traxler, Sister Jogues Egan; and seven Christian bishops, both Catholic and Protestant.

Ten of those supporting the "People's Peace Treaty" are also sponsors for the Committee to Defend the Black Panthers. They are: Dave Dellinger, Arthur Kinoy, Leon J. Davis, David Livingston, Stewart Meacham, Leon Quat, Gloria Steinem (one of Henry Kissinger's girlfriends), I. F. Stone, Dick Gregory, and Ralph Abernathy.

Other "prominent" Americans listed were Rennie Davis of the Chicago Conspiracy and May Day Collective; Joseph Duffey, national Chairman of Americans for Democratic Action; Jane Fonda; Betty Freiden and Kate Millet of Womens Lib; Black Panther lawyer Charles P. Garry; Charles Goodell, former U.S. Senator; revolutionary Tom Hayden; movie stars Rock Hudson, Jennifer Jones, Robert Ryan; Mrs. Martin Luther King, Jr.; millionaire Stuart Mott; former Miss America and Commissioner of Consumer Affairs in New York City, Bess Myerson; the inevitable Linus Pauling and Dr. Benjamin Spock; identified Communist Dalton Trumbo; Arthur I. Waskow of Jews for Urban Justice; George Wiley; and many others.

The People's Treaty movement was adapted by the New University Conference and Chicago Movement on January 8-10, 1971 and the proposed treaty was signed by representatives of the South Vietnam National Student Union, the North Vietnam Student Union, the South Vietnam Liberation Student Union (Vietcong) and the National Student Association. Signatures of the representatives were affixed in Saigon, Hanoi and Paris in December, 1970.

The federal government, supposedly responding to the people through various forms of financing, loans, and so-called "revenue sharing," is actually promoting a welfare state; in other words, Socialism. The word "Communism" is meticulously avoided . . . "Socialism" sounds more respectable. The Communist countries, however, actually refer to themselves as "Socialist States."

The revolution is in progress. Violence and lawlessness are prevalent. Communists, sympathizers and fellow travelers operate more openly, and only an awakened, informed and concerned public can halt the progress of the revolution. Freedom is up to you!

WAR ATROCITY HEARINGS: II

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. DELLUMS. Mr. Speaker, in receiving testimony that I can only term best as "appallingly shocking," eight col-

leagues and I conducted the second of four hearings this morning in the Cannon Caucus Room concerning responsibility for American war atrocities in Southeast Asia.

Five witnesses recounted gruesome torture practices in Vietnam dating back to early 1963. It is hard not to be repelled by their descriptions of cold-blooded murder; of electrical torture; of killing by shock, by being thrown out of helicopters, by having a 6-inch dowel hammered through a suspect's ear; of dunking suspects in pools of excrement and urine; of locking suspects in rooms with snakes.

Yet, all these incidents took place. And as we found out today, they took place as standard operating procedure—as explicit policies of U.S. forces in Indochina.

In many ways it was hard to commend young men who have testified to these practices. But I am sincerely grateful—and moved—that these veterans were able to come before us and let Members of Congress and the American public know the realities of our tragic adventurism in Southeast Asia.

The hearings continue tomorrow when we shall hear nine veterans from the Americal Division—indeed from the same companies that Lt. William Calley served in, but a year later—describe military operations involving massive destruction of lives and property.

Throughout the first 2 days of testimony, time and again, my colleagues have noted that it is a pity that the first open congressional forum on responsibility for war atrocities have to be conducted on an ad hoc basis.

I agree.

There is no reason at all why the established committees of this body could not have acted before on these questions. Indeed, ever since this inquiry was announced, I and the other Members sponsoring these hearings, have received extraordinary pressure and harassment aimed at lessening the impact of these hearings.

But, we are not interested in the petty nature of those persons and institutions who stand in our way. The American public must know the realities of American policies in Indochina—and ultimately there is no way that the public will be kept from these facts.

The hearings continue through Thursday. Once again, I urge all Members of the Congress to participate.

At this point, I would like to insert in the RECORD a partial list of witnesses for Wednesday's session. Following that list is a proclamation by nine experts in international law and a review by Peter Barnes in the April 24 issue of the New Republic:

WAR ATROCITY RESPONSIBILITY HEARINGS, WEDNESDAY, APRIL 28—AMERICAL DIVISION TESTIMONY

Former members of C and D Companies, 1/20 Battalion, 11th Brigade, Americal Division will provide accounts of the systematic torture and murder of innocent civilians and the wholesale destruction of homes and property as standard operating procedure for their units in Vietnam. The witnesses will include:

Gary Battles, 21, E/4, APC driver, 11th Brigade, Americal Division, a College Park, Maryland resident, testifies to the frequent

killing of civilians by personnel of the Americal Division.

For example on June 10, 1969, Gary's CO gave the order to throw an old woman and child in a well with two M-26 Fragmentation grenades. They were included in the body count.

On another occasion, during a sweep operation in February, 1970, between Landing Zones Liz and Bronco, his unit came across 5 Vietnamese, all unarmed in a bunker. Three were killed outright. Two others were still alive after being dragged out of the bunker. One was shot to death with a .45. The other was tortured and died shortly after. A Lieutenant, a Major, and 2 MI officers were present.

Charles David Locke, 20, Sp/4, Mortorman, 11th Brigade, Americal Division, a Wheaton, Maryland resident, served with Gary Battles and corroborates his statements concerning the frequent killing of unarmed civilians.

Locke witnessed the systematic destruction of 10 villages during his 18 months near Duc Pho. He also states that torture of suspects and mutilation of bodies was a common occurrence within his unit.

Other members of the 1/20 Battalion and adjacent Americal units who will be testifying are:

Guadalupe G. Villarreal, 25, Sp-4, D Co. 196th LTB, Americal Div.

Steve Padoris, Sp-4, 1/20, 11th Brigade, Americal Div.

William Toffing, Sp-4, 1/20 Battalion, 11th Brigade, Americal Div.

Cliff Barger, Sp-4, 1/20 Bn., 11th Brigade, Americal Div.

Terry Mullen, Sp-4, 1/20 Bn., 11th Brigade, Americal Div.

Daniel Barnes, Sp-4, 1/20 Bn., 11th Brigade, Americal Div.

John Reconick, Sgt., 1/20 Bn., 11th Brigade, Americal Div.

These men will corroborate much of the testimony of Battles and Locke and describe how their day-to-day combat activities, governed by the tactical field policies and standard operating procedures, led to the widespread maltreatment of Vietnamese suspects and the indiscriminate killing of civilians.

PROCLAMATION BY EXPERTS IN INTERNATIONAL LAW

We, the undersigned, believe that B-52 pattern raids against undefended villages and populated areas, free fire zones, forcible removal of civilian populations, concentration camps, defoliation and crop destruction, search and destroy missions, and the torture and murder of prisoners, are all policies and procedures that have been persistently used in the Indochina War and have been designed and authorized at the highest level of civilian leadership and military command and that such policies and procedures constitute violations of existing rules and principles of international law as embodied in treaties binding upon the United States Government as the supreme law of the land.

As such, those men who occupy key decision making roles within the Government, the military, and the private sector of the American society are clearly accountable and may be criminally responsible.

On these bases, we urge the Congress of the United States to undertake a full-scale inquiry into war policies relied upon by the United States Government in Indochina, from the perspective of international law, not in the interest of meting out punitive measures, but rather for the purpose of exposing to full public scrutiny the stark reality of the criminal aspects of these policies as they affect the Indochinese people and American combat troops.

LIST OF SIGNERS

Richard J. Barnett, Esq., Co-Director, Institute for Policy Studies.

Joseph Crown, Esq., Co-Chairman, Law-

yers Committee on American Policy Toward Vietnam.

Professor Richard A. Falk, Chairman, Consultative Council, Lawyers Committee on American Policy Towards Vietnam; Milbank Professor of International Law, Princeton University.

William Meyers, Esq., Chairman, Committee for New Priorities.

Professor John Herz, Chairman, Graduate Program in International Relations, City College of City of New York.

Professor Dennis Livingston, Case Western Reserve University.

Professor Saul H. Mendlovitz, Law School, Rutgers University.

William Standard, Esq., Co-Chairman, Lawyers Committee on American Policy Towards Vietnam.

Professor Burns Weston, Law School, University of Iowa.

[From the New Republic, Apr. 24, 1971]

WHAT'S TO BE DONE?

(By Peter Barnes)

"Crimes of War," edited by Richard A. Falk, Gabriel Kolko and Robert J. Lifton (Random House; \$10); "War Crimes and the American Conscience," edited by Erwin Knoll and Judith Nies McFadden (Holt, Rinehart and Winston; \$5.95 cloth; \$2.95 paper); "Nuremberg and Vietnam: An American Tragedy," by Telford Taylor (Quadrangle Books; \$5.95 cloth, \$1.95 paper); "Conversations with Americans," by Mark Lane (Simon and Schuster; \$6.95).

If there's one lesson that has seeped into our consciousness over the course of the 1960's, it is that Americans are no more immune to savagery than any other people. We've seen it on TV to the point of numbness, we've read about it in newspapers and periodicals, we've heard about it from young Vietnam veterans. Two years ago, even before we'd learned about Mylai, Clergy and Laymen Concerned published a book called *In The Name of America*, which recounted many of the horrible things Americans were doing in Southeast Asia. Now we are confronted with a flood of books about American war crimes (see *NR*, January 9, 1971 for an extensive listing). If there are any lingering doubts about America's capacity for wholesale violence in pursuit of illegitimate ends, these books should dispel them.

But now that the facts are available to those who care to know, what are we going to do with them? Most of the war crimes books touch upon the question, but stop short of clear-cut answers. Still, a number of approaches have been proposed. Here is a selection culled from the pages of four of the most recent war crimes books:

Robert H. Bower (one of the veterans interviewed in *Conversations with Americans*): "The people who should go on trial [for massacres such as Mylai] are Nixon and Laird and Johnson. It's the people in power in our government that should be tried for these crimes, not the people who carry them out."

Richard A. Falk (in *Crimes of War*): "We need a Presidential commission that has access to all records and witnesses, and is empowered to make a public report and recommendations for action. . . . On a world scale, it would seem desirable for the UN to mount an investigation of allegations of war crimes, especially in relation to Vietnam and Nigeria."

Rep. Henry Reuss (in *War Crimes and the American Conscience*): "I can see some utility in the creation of two different commissions. . . . The first would be a commission of jurists—American jurists because we are Americans—to make recommendations on a number of legal, juridical matters, including the development of legal instrumentalities, courts and tribunals. The second . . . could offer a forum to those returning soldiers and others who have something to say

but who now have no recourse to existing bodies, including the regular committees of Congress."

Marcus Raskin (in *War Crimes and the American Conscience*): "I would propose a group of commissions—of Congress and scholars, of people at their work places and at town meetings—to define the personal and corporate responsibility which we demand of our government. Such commissions would begin to make clear that Secretaries of State, generals, and other high officials will have their missions critically examined."

Former Under Secretary of the Air Force Townsend Hoopes (in *Crimes of War*): "What the country needs is not retribution, but therapy in the form of deeper understanding of our problems and of each other."

What are we to make of these prescriptions? Most of them are tentative, ethereal, self-contradicting; but they are, it seems to me, a very important beginning. For it is not enough just to talk about war crimes, or to sicken people with their horror, as Mark Lane attempts to do in *Conversations With Americans*. Some national response must come forth. And aside from doing everything possible to stop the war the response must comprehend first the plight of the young who have been corrupted by the war, and second the sins of the policymakers.

By now more than two million Americans have served in Vietnam. Not all have taken part in war crimes, or even witnessed them, but none can escape the knowledge of what his buddies have seen and done. Robert Jay Lifton calls these youths "survivors of atrocity." Like the survivors of Hiroshima, they must struggle to find justification for having lived through their extreme experience, and beyond that, for having fought in a war that makes no sense. Their psychological burden is not the kind that a government program can readily lift; we can't pretend to ease their inquietudes (or our own) with Veterans Administration benefits. A much more humane and painful undertaking is necessary—a conscious effort by the rest of us, in and out of government, to clarify and—yes—to atone for what we have done to these men. And we must assure that a similar burden is not laid upon a future generation. One such step would be to provide for selective conscientious objection.

As for the policymakers, a myriad of problems present themselves. Where, first of all, do we look for those most responsible for criminal behavior? Telford Taylor, who was chief US counsel at Nuremberg, Richard Falk, a professor of international law at Princeton, and most of the contributors to *Crimes of War* (a collection of documents and articles) the *War Crimes and the American Conscience* (the edited transcript of a 1970 seminar sponsored by ten Congressmen) agree that the circle of responsibility is far wider than the handful of enlisted men and company-level officers that the Army has charged in the My Lai case. It's hard to dispute this; the burden of Nuremberg was precisely that, when specific criminal acts are the product of a broad national policy, the responsibility for those acts falls most heavily upon the policymakers.

Taylor, however, goes only so far. Cautiously, dispassionately, he builds his case against the military policymakers—General William C. Westmoreland, Lieutenant General Robert E. Cushman, General Creighton Abrams, Lieutenant General William B. Rossen and Admiral Ulysses Grant Sharp, Jr.—but he passes over the civilians in the Pentagon, State Department and White House. His reasoning is that the policies which led to My Lai and other battlefield crimes in Vietnam were essentially military policies—primarily the decision to fight a war of attrition.

Others are not so lenient. "There is no way

to support the continuation of large-scale American participation in the Vietnam war without knowingly committing war crimes," writes Falk. If this is the case—and the evidence put forward in these books strongly indicates that it is—then the persons responsible for the war crimes committed in Vietnam are those at the highest levels of government who decided that an anti-Communist regime in Saigon had to be preserved at all costs. These policymakers cannot have been ignorant of the military tactics required to achieve their desired end: the pounding to bits of almost every suspected village, the widespread destruction of crops and farmlands in an ill-fed country, the torturing and killing of prisoners, the shooting of women and children who cannot be distinguished from the "enemy."

Yet even the most earnest pacifist is apt to hold back at this point, instinctively, refusing to think that Lyndon Johnson, Richard Nixon, Robert McNamara, McGeorge Bundy, Dean Rusk, Walt Rostow and the rest are war criminals. Townsend Hoopes, an apostle of mercy, makes this point. "Lyndon Johnson, though disturbingly volatile, was not in his worst moments an evil man in the Hitlerian sense. And his principal advisers were, almost uniformly, those considered when they took office to be the ablest, the best, the most humane and liberal men that could be found for public trust."

But is this not precisely the problem of our era—the perpetration of great amounts of evil by men who are not in themselves evil-minded? We live in an age of overwhelmingly destructive technology, when killing is largely accomplished by pushing buttons and the decisions to kill are taken in secret by faceless bureaucrats and inter-agency committees.

The next problem is simpler: what specific crimes could the policymakers be held responsible for? Nuremberg established three categories of international crimes: crimes against peace (the planning of aggressive war), crimes against humanity (genocide), and the lowest category, war crimes (battlefield excesses). German leaders were found guilty at Nuremberg primarily of crimes against peace; Japanese leaders were held responsible primarily for war crimes. Jean-Paul Sartre makes the case in *Crimes of War* that America is guilty of nothing less than genocide in Vietnam; others contend that America is the aggressor and its leaders should be found guilty of crimes against peace. Telford Taylor takes a more restrained approach. It is arguable, he says, whether America is in fact guilty of aggression in Indochina; a case could be made that, as Dean Rusk said, the United States was actually attempting to halt aggression when it sent massive numbers of combat troops into South Vietnam. The question of genocide is similarly open to considerable debate. But there can be no doubt at this late date that there have been innumerable battlefield excesses. It is for these war crimes that American policymakers should be held responsible.

If legal and historical precedents are wanted, they can be found in the trials of Japanese leaders after World War II (more here than in the Nuremberg trials, since Nuremberg dealt primarily with the planning of aggressive war). The most notable case involving the responsibility of military leaders was that of General Tomoyuki Yamashita, commander of Japanese forces in the Philippines at the time of MacArthur's triumphal return. As Japan's hold on the island chain slipped, the conduct of the Japanese occupation forces degenerated rapidly; there were numerous massacres of prisoners and civilians, as well as considerable looting and burning. Yamashita neither ordered nor approved of this conduct, nor was it even established that he was aware of it, or that had he been aware of it, he would have been capa-

ble of stopping it. Nevertheless, an American court-martial sentenced him to death by hanging, and the US Supreme Court upheld the sentence, on the grounds that he had "failed to provide effective control of his troops as required by the circumstances." American military leaders in Vietnam, by contrast, are fully aware that prisoners and civilians are frequently slaughtered; indeed, it is official policy to maximize the body count, and to kill civilians or anything else that moves in free-fire zones and in villages that have been told to evacuate. American generals, moreover, have not lost control of their troops as Yamashita did; they could put an end to criminal conduct if they wanted to. The implications are obvious.

Civilian leaders came off no better in the Japanese war crime trials. The Tokyo tribunal ruled that Cabinet members who had knowledge of war crimes committed by Japanese forces, and who failed either to take action to stop such crimes or to resign from the Cabinet, were criminally liable. This is a precedent that stretches a bit too far for contemporary tastes; one can hardly contend that a Secretary of HEW becomes a war criminal if he does not resign his post. But this Tokyo decision makes it harder to argue that the Secretaries of State and Defense, or the members of the National Security Council, should go scot free.

None of this, however, resolves the basic question: is it practical, or desirable, to try as criminals the top-level American policymakers? Legal precedents are unquestionably there, but should they be used?

As a practical matter, the obstacles seem insurmountable. What judicial body could properly hear criminal charges? Who among us is guiltless enough, or disinterested enough, to sit in judgment? The military is not. Congress? Most of its members supported the Tonkin Gulf resolution, as well as year after year of military appropriations. The Supreme Court has ducked every major constitutional issue affecting the war, and would hardly be inclined to tackle this one. That leaves the possibility of an international tribunal under UN auspices, but as Henry Reuss infers, the value of such a tribunal would be open to great question. Not only would international condemnation have the effect of undermining support within the United States for the UN; it would fall to serve the essential goal of therapy; which requires that America itself arrive at a judgment of its leaders' personal responsibility.

To these manifold practical difficulties I would add a socio-psychological one: I don't see any purpose to be served by a criminal process which winds up convicting and sentencing high-level American officials. It is one thing for a victorious nation to punish the leaders of a defeated foe; it is quite another for an unconquered country to punish its own leaders *ex post facto*. The former is a kind of shock therapy which, whatever its beneficial effects, at least does not have the harmful effect of greatly increasing the existing resentment between victors and vanquished. The latter is a form of extreme self-flagellation which would exacerbate to an unnecessary degree the divisions within an already divided nation.

The best course, it seems to me, would be for Congress to create a war crimes commission similar to the one proposed in a bill by Rep. Ronald Dellums (D-Calif.). Such a commission should have the power to subpoena witnesses and records; it could investigate anyone and anywhere, but it could not punish. It would in effect do what Falk recommends, "reinforce a boundary." That is exactly what has been lacking in the United States, and what is so desperately needed; a boundary upon the behavior of leaders—beyond which they cannot trespass without suffering the reprimand of their fellow citizens.

THE WAYWARD PRESS
(TUBE DIVISION)

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. WHITEHURST. Mr. Speaker, the following article appeared in the May 1971 issue of *The Retired Officer*, having been reprinted there from the April 1971 issue of *Air Force* magazine. It deserves the attention of my colleagues, as does the fine introduction by Chairman HÉBERT.

What is not now, nor ever has been, at issue is whether or not the Pentagon should be criticized. I have often taken the Department of Defense to task when necessary. There is one issue, and only one, and that is whether or not CBS distorted facts in its commentary. The evidence points irrefutably to the truth that CBS was less than factual in its presentation. Even the *Washington Post*, which has never been accused of parroting the administration line, has taken CBS to task for its failure to present accurate information.

I include the article as follows:

THE WAYWARD PRESS
(By Claude Witze)

THE WINTER ISSUE of the *Columbia Journalism Review*, a quarterly published at the Columbia University Graduate School of Journalism, is devoted almost entirely to a study of how the press has performed in covering the war in Vietnam. The only possible conclusion a reader of these eight essays can reach is that the press has done a deplorable job. No matter what epithets you might want to hurl at the political administrations in Washington and Saigon, at the military hierarchy, at the military-industrial complex and at the doves or the hawks, even more heated epithets could justifiably be thrown at the purveyors of ink and electronic signals.

There is one examination of television's performance, written by Fred W. Friendly, a former president of CBS News, who indulges in a bit of self-flagellation, confessing that the "news media, and particularly broadcast journalism" must share the responsibility for public misunderstanding of the situation in Indochina. Speaking of the years when he, Friendly, was the man in charge at CBS, he says, "The mistakes we made in 1964 and 1965 almost outran those of the statesmen."

One thing missing from Mr. Friendly's recitation is any suggestion that the television medium lends itself in a peculiar way to distortion of fact. This reporter has nearly 40 years of experience on newspapers and magazines, including more than a decade operating from the copy desk of a metropolitan daily. Television news was born and brought up within that same 40-year period. I have watched it closely and confess that I never was impressed by its impact until Lee Harvey Oswald was murdered on camera. No newspaper or magazine will ever duplicate that 1963 performance in Dallas. Yet, if I saw it today, I would demand confirmation that the event took place at all and that what we saw on the tube was not a clever compilation of film clips, snipped from a wide variety of source material and glued together to make a visual product that could be marketed to some huckster of toothpaste or gasoline and then turned out to be a winner of the Peabody Award.

In support of this professional skepticism, we have the performance of Mr. Friendly's own CBS on February 23. The program was billed as a "News Special" and was called "The Selling of the Pentagon." It ran for one hour, with commercials, and featured a recitation of the script by CBS's charismatic Roger Mudd. Mr. Mudd did not write the script; he was burdened with it. The show's producer works in New York. He is reported to be 34-year-old Peter Davis, who says he and his staff spent 10 months working on this "documentary." Mr. Davis does not appear to make any claim to objectivity in his work. He is making a charge: that the Department of Defense spends a vast amount of money on propaganda designed to win public approval of its programs. Armed with cameras, scissors and cement, he proceeded to make his case.

This magazine has neither the space nor the desire to do a detailed critique of "The Selling of the Pentagon," but we have examined enough of it to demonstrate that it leaves CBS with credibility gaps wider than the canyons at Rockefeller Center. Here is an example:

At one point, early in the script, Mr. Mudd, the narrator, transitions to a new sequence in Mr. Davis' portrayal with a paragraph of four sentences. We will examine the sentences one at a time:

MUDD. "The Pentagon has a team of colonels touring the country to lecture on foreign policy."

The team to which he refers comes from the Industrial College of the Armed Forces (ICAF), with headquarters here in Washington. There are four colonels on the team—two from the Army and one each from the Air Force and the Marine Corps. There is also a Navy captain, and, totally ignored by CBS, a foreign-service officer from the State Department. They are not "touring the country." They have a briefing on national-security policy that is given seven times a year, no more and no less. ICAF is not mentioned in the CBS script, and there is no reference to the mission of the college. A TV cameraman who visited the school could easily take a picture in the lobby of a wall inscription that says:

"Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military, and economic realities. It is the high mission of the Industrial College of the Armed Forces to develop such understanding among our people and their military and civilian leaders."

The quote is attributed to Dwight D. Eisenhower, who spoke those words at the dedication of the college in 1960. He understood the requirement, perhaps more clearly than any other man in our history.

The ICAF national-security policy briefing is designed for the education of Reserve officers from all branches of the armed forces, not primarily for the general public. The reason the team, including the State Department officer, gives it in seven locations each year is to reduce travel expenses by eliminating the necessity for Reserve officers to visit the college. None of this was explained by CBS.

MUDD. "We found them [the ICAF team] in Peoria, Ill., where they were invited to speak to a mixed audience of civilians and military Reservists."

Here we have a use of the word "found" that would not be permitted by a competent newspaper copy editor. CBS was told that Peoria was on the schedule, and the CBS camera crew spent three days at the seminar in that city with the concurrence and cooperation of the Defense Department, the ICAF, and the Peoria Association of Commerce. Before departing, CBS was given full information on the curriculum, the scheduling, the military and civilian participa-

tion, the costs and the funding. The Association of Commerce was the sponsor, in this case, and was permitted to establish the rules under which civilians were admitted. Their seminar, billed in Peoria as the "World Affairs Forum"—a label not mentioned by CBS—covered all aspects of national-security affairs. That includes economics, resources, technology, social problems and military affairs, as well as foreign policy.

MUDD. "The invitation [to Peoria] was arranged by Peoria's Caterpillar Tractor Co., which did \$39 million of business last year with the Defense Department."

The Peoria seminar was not arranged by the Caterpillar Tractor Co. It was arranged by the city's Association of Commerce, which provided the auditorium and other facilities. The Association has no defense contracts. A spokesman for the Association, contacted by this reporter, said his group shared the sponsorship with the 9th Naval District. There were two chairmen for the meeting. The civilian chairman was Charles B. Leber, who in his business life is an officer of the Caterpillar Tractor Co. The military chairman was Captain Paul Haberkorn, USNR. He is the owner and operator of Peoria's Ace Hardware Store. The hardware store also has no defense contracts, which probably explains why it failed to get a mention on the CBS show.

MUDD. "The Army has a regulation stating: 'Personnel should not speak on the foreign-policy implications of the U.S. involvement in Vietnam.'"

The ICAF team, consisting of five military officers and a State Department officer, does not speak on the foreign-policy implications of our involvement in Vietnam, which would be in violation of Army regulations. The regulations governing ICAF say the material used must be cleared for accuracy, propriety, and consistency with official policy. Both the State Department and the Defense Department have a hand in this routine clearance of all ICAF presentations.

In the CBS show, the camera moves from Mr. Mudd, following his recitation of the above inaccuracies, to one of the lecturers at Peoria. CBS does not identify the speaker in this paste-together of film clips, but he is Colonel John A. MacNeil of the U.S. Marines, a veteran of World War II and Vietnam. If the TV audience sensed that the next five sentences, out of the mouth of Colonel MacNeil, sounded somewhat disjointed, there was good reason for it. They came from four different spots in the camera record and the sequence was rearranged to suit the somewhat warped taste of producer Davis. Sentence by sentence, the quotes go like this:

MACNEIL. "Well, now we're coming to the heart of the problem, Vietnam."

This appears on page 55 of the prepared, and approved, text of the briefing. Next sentence:

MACNEIL. "Now, the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam."

That one was cut out of what the Colonel was saying back when he was on page 36 and discussing an entirely different aspect of the presentation. Then:

MACNEIL. "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

This is found on page 48 of the script. What is most important is that the statement was not original with Colonel MacNeil or the drafters of the briefing. It is a quotation. The CBS scissors-and-paste wizard deleted the attribution. Colonel MacNeil made it clear, in the words immediately preceding the above sentences, that he was quoting Souvanna Phouma, the Prime Minister of Laos. In other words, Souvanna Phouma said it; CBS distorted the film to make its view-

ers think Colonel MacNeil said it. It is the kind of journalistic dishonesty that a reputable newspaper would not tolerate. Many reporters have been fired for lesser indiscretions.

MACNEIL. "So, I think if the Communists were to win in South Vietnam, the record in the North, what happened in Tet of '68 makes it clear that there would be a bloodbath in store for a lot of the population of the South."

To get this one, the CBS film clipper searched deeper into his filmed record. In the prepared script of the ICAF team, it appears on page 73.

It is easy to see how this technique can be used to make a man say almost anything you want him to say. Once the right words are on tape, they can be rearranged, and were by CBS in this instance, to make a presentation sound inept, stupid, wrong, vicious or to reach any conclusion that the film clipper wants to get across to his audience. What the speaker actually put onto the sound track cannot be recognized.

Another example of this in "The Selling of the Pentagon" comes out of Roger Mudd's interview with Daniel Z. Henkin, the Assistant Secretary of Defense for Public Affairs. Two minutes and four seconds of the interview were used out of 42 minutes of filmed conversation. Here is one breakdown:

MUDD. "What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Now, this is not easy to explain, but there are two answers to that question from Mr. Henkin. One is his real answer and the other is the answer concocted by the CBS cutting room from the available tape. TV viewers only know the answer CBS put together. We will give you both.

Here is the answer from the transcript of the Mudd broadcast:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces, to have speakers come before them, to ask questions and to understand the need for our armed forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what we are doing about the racial problem—and we do have a racial problem. I think the public has a valid right to ask us these questions."

If the TV viewers thought that was a bit disjointed for a reply and, more important, that it did not answer the question about displays at fairs and shopping centers, it was not Mr. Henkin's fault, because—except for the first sentence—that was not his answer to the question. In the transcript of the interview, the real answer appears, most of which ended up on the CBS cutting-room floor:

HENKIN. "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

This reply, the real one, of course makes sense and is responsive to the question. The producer of "The Selling of the Pentagon," however, was less interested in responsive answers that made sense than he was in portraying Mr. Henkin as a bureaucratic buffoon. The Secretary, incidentally, is himself an experienced and sophisticated reporter of military affairs but can be portrayed otherwise with the television technique of clipping what amounts to a phony reply from his answer to another question. And the other ques-

tion, TV viewers did not know, also ended up on the cutting-room floor.

It is not necessary to labor the point, although there are several other instances. Mr. Henkin, in a letter to F. Edward Hébert, Chairman of the House Armed Services Committee, said that after spending his life in the news profession he "could not be pleased by the fact that the program's producer [Mr. Davis] chose to rearrange my words . . ." Congressman Hébert himself stars in "The Selling of the Pentagon." He also is a former newspaperman and stands completely shaken by this experience with television, although he had been quoted earlier as considering network TV "the most vicious instrument in America today."

That opinion appears to have been reinforced. Lou G. Burnett, who is Mr. Hébert's press aide, testifies that he was contacted early in the CBS effort by one James Branon of the network's New York office. Mr. Branon said CBS was planning to do a documentary on the prisoner-of-war situation. He said the show would explore the plight of the POW and his family. He was seeking film clips that might contribute to this exercise. Mr. Burnett responded with alacrity because he knows his boss is deeply interested in the problem and eager to help the POW families. In New Orleans, he knew, station WWL-TV had a film clip from an old "Congressional Report" program, in which the Congressman had interviewed Major James Rowe, a former POW. The interview was in the form of a report to Mr. Hébert's constituents. Mr. Burnett, Mr. Hébert's press aide, had the film shipped from New Orleans to New York and helped CBS's Mr. Branon round up other films dealing with the POW problem. The Hébert clip wound up in "The Selling of the Pentagon" and was offered as an example of how "sympathetic congressmen" are used by the Pentagon "to counter what it regards as the anti-military tilt of network reporting."

Mr. Hébert's ire, it should be suggested, was aroused more by his depiction as a patsy for the Defense Department than it was by the misrepresentations used to obtain the film. The chairman is, of course, proud of his reputation as a stern critic of military transgressions wherever they occur. In many years as an inquisitor for the House Armed Services Committee, he has never been accused of being unfair, but often accused of being tough. From the time of his famous "Chamber of Horrors," which depicted military procurement waste and had officers squirming at their desks, to the most recent congressional inquiry into the My Lai incident, he has been one of the Pentagon's most uncomfortable hair shirts.

Mr. Henkin's office estimates that it expended 640 man-hours of labor assisting CBS in the production of "The Selling of the Pentagon." No reasonable request for help was denied. CBS reimbursed the government for the cost of one guard and one electrician employed during photography one day in the Pentagon.

Out of this day's effort came a short clip of a news briefing that was deemed suitable by CBS for inclusion in "The Selling of the Pentagon." The CBS crew filmed an entire DoD press briefing, at which Jerry W. Friedheim, a deputy to Mr. Henkin, responded to routine queries from the Pentagon's regular press corps. During the session, the reporters asked 34 questions. Thirty-one of them brought replies from Mr. Friedheim. In three cases, he was unable to be responsive. As the film was edited for broadcast, CBS used six of the 34 questions, including, of course, all three of the ones that could not be answered. Why couldn't they be answered? In one example, used by CBS, Mr. Friedheim was asked about the size of some warheads. He said he had nothing to give out on that. If he did have something and gave it out, he could go to jail.

There are a number of small factual errors

in the CBS script that represent nothing more than sloppy reporting. For example, narrator Mudd has a line referring to "30,000 Pentagon offices." There are only a few more than 26,000 persons employed in the Pentagon, all but the top executives sharing an office with many other people. An educated guess is that there may be 5,000 offices in the building.

One interesting fact, denied to viewers of "The Selling of the Pentagon" by CBS editors, is the origin of a clip introduced by Mr. Mudd as "an excerpt from a film called 'Road to the Wall' [in which] the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world." The excerpt was shown. What CBS did not disclose is that "The Road to the Wall" was produced by CBS itself in 1962 and that James Cagney was the CBS choice as star of the picture. Also, that CBS was paid about \$100,000 of the taxpayers' money to turn out the picture. At the time, CBS Films said in a press release from its offices—on Madison Avenue, of all places—that the picture would be "an historical treatment of the Communist Party in operation throughout the world—its doctrine, its pronouncements." In 1962 CBS was far from derisive about the project and was proud that "it will be distributed for showing at all military bases inside and outside the USA and will be backed with pamphlets, posters and other informational material on communism."

Once all the facts about "The Selling of the Pentagon" are on the record, and someone has examined the clips on the cutting-room floor, it will be interesting to find out what Fred Friendly will write about it in the *Columbia Journalism Review*. From where we sit, watching the tube, the broadcast industry continues to carry its share of responsibility for public misunderstanding. The incredible thing is that the camera is not to blame. It's scissors, paste and a collection of calloused consciences.

MEMORIES OF AN ISLAND

(By Colonel Allan C. Dale, AUS-Ret.)

It was a trilogy of events that will remain forever in my mind. The events occurred within a short time frame either side of 2400 hours on February 18, 1945. One I merely watched happen, but did not give it more significance than the others, which it was ultimately to obtain. Another I both watched and listened to as it progressed; and, in the case of the third, I listened to the person who told me he was going to cause it to happen and I saw it after the fact.

I was then one of many soldiers who had been aboard an attack transport for almost a month. We had embarked at Honolulu and had moved out very deliberately. Actually we hung back in the mid-Pacific, loitering to the very last—until all preparations had been completed—when we went surely to our destination. And during the loitering period, we refueled at Ulithi Island and took on fresh provisions there; and, in a leisurely fashion, rendezvoused along our way with other transports and their warship escorts scheduled into our ever enlarging convoy. We were not told our destination until a few days before we were to arrive, but it is difficult to hide such matters from service men and we had long since surmised where this would be; there were no conflicting views on greater order and purpose—even callisthenics made much more sense. Detailed briefings became a daily affair and, on one Sunday morning, they passed around ammunition. Each member aboard who would disembark received an initial ammunition load for his weapon.

On the day before D-Day, our transport took its designated station offshore from the target area—among a host of ships of all sizes and categories. The contingent, to which I belonged aboard our transport, was t-

ground echelon of a Black Widow P-61 Night Fighter Squadron scheduled to disembark on D-Day plus three, a date we would never keep.

I could not sleep on the night of February 18 and left my bunk in the forward bowel of the ship for the coolness of the deck—and to think Iwo Jima was almost constantly silhouetted against an illuminated sky by the bombardment it was receiving from our battleships, cruisers and destroyers—a softening-up process that had been going on continuously for the past few days. It was a magnificent night display, beautiful in its pyrotechnics but utter horror to those on the island who must stand and take the hot metal behind it. But, as I so casually watched, a colleague was doing a very dangerous business and my heart and mind were with him in the long night.

THE LIEUTENANT'S FLAG

After dinner in the early evening, a few of us who had become rather close during the month aboard our vessel, gathered in a knot along the ship's rail and chatted, speculated and wondered how this island invasion would come out, how we ourselves might come out of it. There was barracks room humor, of course, but not as much as usual; certainly there was no bravado this evening.

After a while the knot disintegrated as some left to start a game of cards, others to read or to get a cup of coffee in the ship's ward room. Eventually I found myself standing with a lieutenant junior grade, a member of the ship's crew. I was gazing out toward Iwo's shoreline, thinking about that line and how the U.S. Marines would swarm along its edge in the morning, bite into its beaches and inch themselves forward. I couldn't know then of the withering artillery crossfire they would receive from the high-points at both ends of the island. The softening-up process would have left these artillery positions virtually intact.

The lieutenant by my side was very quiet, looking, as I was, out across the water to the beaches. I sensed that he wanted to say something to me but hesitated to bring it out. Then as we both looked back from the shoreline and our eyes met, he directed, "Look over there. Do you see that beached Japanese landing craft?" I had seen it. It was a wreck off to the right hand side of the shoreline selected for the invasion. Rusting out, its bow was well up on the beach and its stern rested in the sand in the shallow water offshore.

"Yes?" I queried with mild curiosity.

"Tonight late, when it's dark, or in the very early morning hours before light, I will leave our ship in a rubber boat and paddle over to that wreck and raise the American flag above it."

"Just like that!" I exclaimed, looking at him in amazement. "What in the world for?"

"So it will be flying when H-Hour comes tomorrow."

I nodded my head in understanding, but I did not understand. I could not imagine a more foolish gesture—if it were a patriotic one, I could think of no other. It seemed to me a suicidal thing to attempt. I shuddered inwardly thinking about his crawling in and around that old sea-rotted hulk and at last finding his way to the superstructure and then stringing a flag to some part of it—a flag pole somewhere—and all in the dark. The thing was probably booby-trapped. Who needed it? I did not want to ask him if this was his idea . . . or someone else's, and he had volunteered to do it. The obvious pride and enthusiasm he had shown for the project as he told of it stopped me from pressing the issue—as did a certain arcanum in which it seemed enshrouded.

I never saw the lieutenant again; but that is not to say that he perished in his excursion. For matters moved very fast after the start of the invasion and personnel were being shifted about. He could very well have

been transferred to another ship. But, the next morning an American flag was flying from the superstructure of that old wreck! The thrill of seeing it was immense.

CHECKERS

H-Hour came on the morning of the 19th of February. Earlier on that morning the invaders had been loaded in landing craft and these were now maneuvering in great circles in a holding pattern in the cleared water between the invading ships at anchor and the shoreline, waiting for the signal that would start them for the beaches. At last it came and the rush was on. The first Marines ashore had not been there minutes when rumors began trickling through our ship that there were Japanese women on the beaches! Fantastic! How could this be? It is difficult to explain how such rumors get started, are given credence and then waft along at increasing speed. In times of stress the most level-headed can become gullible. This rumor turned out to be nonsense. It collapsed when we began receiving back some of the Marines we had thrown against the shore. These were the walking wounded picked up by the landing craft and brought out to the safety and succor of ships equipped to handle their wounds. "Women on the beach?" they responded incredulously when asked.

In the air over the island our Navy aircraft from nearby carriers zoomed down to bomb targets which were chiefly the artillery positions on Mount Suribachi and the high ground at the other end of the island which were giving the Leathernecks such a hellish pasting on the invasion beaches. But between bomb runs, a single TBM, a Navy torpedo bomber, did lazy eights over the island at a dangerously low altitude. Its pilot was seeking out targets that were not obvious, that could be pin-pointed in no other way.

The pilot's code name over the radio was "Checkers" and he was one of the bravest men I have ever observed. His aircraft was terribly vulnerable to the 75mm and lesser caliber anti-aircraft fire that the Japanese could bring against it. His single advantage was that to fire at him could put one's gun position out of business quickly and few of those, especially in the center portion of the island, were anxious to shoot too openly and disclose themselves to the terrible napalm bomb runs that would surely follow.

For what seemed hours, he winged in his lazy, slow fashion, picking up target information and relaying it back to the command carrier and then, at the last moment before the carrier bombers came in for their runs, he would peel off. Occasionally here and there a black puff of smoke just ahead or behind or on one side or the other of "Checkers" would show the earnestness of the Japanese; they were determined to get him. They were very patient, holding their fire and concealing their positions as best they could, waiting for exactly the right shot at the right moment. They had thrown up some very good shots—near-hits.

Aboard our ship I listened over the command radio net to the conversations transpiring at times between "Checkers" and the U.S. Marine Corps General "Howling Mad" Smith who was in charge of the Iwo Jima invasion. He personally directed "Checkers" in forays, asked for specific information on island localities, gave orders and even encouragement for his dangerous mission. The radio chatter between them was a little reminiscent of a father-son relationship and conversation. At one time "Checkers" announced that he was low on gas and would have to return to the carrier soon to refuel. He was also getting hungry, he said. It was just after this last snatch of chatter that I watched with heartache as his torpedo bomber was hit by anti-aircraft fire and went down trailing smoke.

MOUNT SURIBACHI

The time rolled by and the Marines moved slowly, but determinedly, from their pinned-down positions on the beaches to higher ground directly ahead—Motayama Airfield #1 in the center of the island which was the immediate objective. And now the heavier military equipment was being off-loaded on the beaches and moved along the makeshift roads of steel strips of landing mat laid over and up the soft sand terraces of Iwo's littoral. In the bright sunlight of a late afternoon I could see our tanks along the airfield's edge in the saddle and center of the island. Soon the Seabees would be bulldozing away the disabled Japanese aircraft that remained on the field; and their grading and rolling machines would begin to fill and smooth out the bomb-pocked strip for the first landings of our aircraft.

The airfield had been the immediate objective and it became the point of departure for the continuing advances the Marines would make for the ultimate conquest of the island. It was just then, however, that Mount Suribachi beckoned. It became the cynosure of all of us offshore, in the air and on Iwo as efforts were begun to take it. It was the mountain to climb and conquer, the place to plant the American flag. If this would not be symbolic yet of total victory, then it would be of that total victory that would eventually come, bringing with it release from the terrible ordeal they had endured, both Japanese and American, who remained alive after the holocaust—less the legions who already would have been released by death.

I watched the final stages of the flag raising on Mount Suribachi through a gunsight aboard our ship. On the cross hairs of the sight it came out a few ants struggling with a match stick, rag attached, in an effort to raise and place it atop a sand pile; and they finally accomplished it. From such a distance and seen through a gunsight, it appeared a detached and casual ceremony completely devoid of panoply; and so it must have seemed from any vantage point. But of just such things so casual and rugged is history made and remembered.

RED CHINESE MUST RETURN AMERICAN SERVICEMEN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. SCHMITZ. Mr. Speaker, the following article by investigative reporter, Paul Scott, should be brought to the attention of all my colleagues. It makes the very valid point that prior to even considering any type of increased U.S. contact with the Chinese Communists the question of the return of the American servicemen being held by the Red Chinese must be settled.

The article follows:

RED CHINESE MUST RETURN AMERICAN SERVICEMEN

(By Paul Scott)

WASHINGTON, April 28.—The fate of those "forgotten Americans" languishing in Communist China's dungeons could become the first test of the soundness of President Nixon's policy of trying to improve relations with Peking.

These Americans are U.S. fighting men that Peking is illegally holding from the Korean and Vietnam wars—some of whom have undergone everything from brainwashing to torture for more than 20 years.

The highly explosive prisoner issue is being quietly raised by a group of influential members of Congress headed by Representative Cornelius E. Gallagher (D., N.J.), chairman of the House Foreign Affairs' Far East Subcommittee, and Representative H. R. Gross (R., Ia.), a member of the House Foreign Affairs Committee.

The lawmakers have demanded to know what President Nixon is doing, if anything, to free these men before going through with trade concessions to Red China or entertaining Peking's propaganda groups in the White House.

The unpublished demand was made during a private hearing that Gallagher's subcommittee held last week to hear testimony from State Department officials on President Nixon's new open door policy toward Communist China.

In quizzing Assistant Secretary of State Marshall Green, Representative Gallagher called on the Nixon Administration to test Communist China's intentions by demanding that American prisoners in China be released immediately.

The lawmaker reminded Green that Peking is known to be holding at least five Americans, and possibly several hundred additional U.S. fighting men from the Korean and Vietnam wars. One of those known to be a prisoner is Capt. Philip E. Smith, son of Mrs. Oscar Smith of Roadhouse, Ill.

Pentagon records list Smith as the first U.S. combatant of the Vietnam war known to have fallen into Chinese Communist hands. His F-105 Starfighter was downed on Sept. 20, 1965 while over the Tonkin Gulf. While American rescue planes stood helplessly by, Smith was picked up by a Chinese patrol boat and taken to the mainland.

Feeble diplomatic efforts by the Nixon and Johnson Administrations to obtain Smith's release so far have produced nothing. All that the State Department has been able to learn from Peking is that Smith is alive and being held in a prison in the Chinese Capital.

Although it isn't saying so in public, the State Department has hard evidence that the Chinese Communists are holding at least four more American fighting men. The Central Intelligence Agency says privately there are many more. Over the years, the CIA has gathered bits and pieces of information about a number of other "missing" U.S. military personnel believed to be prisoners inside China. Most of these are prisoners from the Korean war.

Showing their concern—Representatives Gallagher and Gross made it clear to Green that there is growing concern in Congress that President Nixon wasn't giving the prisoner issue a high enough priority in his new policy toward Peking.

The legislators warned that the President was giving away his bargaining power for the prisoners by making one-way concessions to Peking on trade without first obtaining an agreement to discuss their plight.

One subcommittee member said he couldn't understand how the President could welcome personally a delegation from Communist China without first getting assurances that Peking was ready to discuss the release of American prisoners.

"It looks like the President is conveniently forgetting the fact that the Chinese Reds are holding American prisoners of war," stated the lawmaker. "Some one must remind him that his first responsibility is to free these men; not provide the White House as a propaganda forum for Peking."

Green reportedly agreed to pass the lawmakers' warnings along to Secretary of State William Rogers and to the White House. He assured them that his views were close to theirs but could not speak for either Rogers or the President.

New pressure needed—If past negotiations

with the Chinese Communists are any indicator, it will take a lot more than exchanges of ping-pong delegations to free American prisoners.

The State Department announced in August, 1955, that the U.S. had agreed to open the so-called "Prague-Warsaw Talks" with the Chinese Reds to discuss the fate of Americans being held in China.

Those off-and-on talks have dragged on for nearly 16 years. During that time, Peking released an American, a Catholic Bishop, imprisoned after the Communists took over in China. None of the American military men captured during the Korean or Vietnam wars have been freed.

In the U.S. Senate, several members led by Senator Strom Thurmond (R. S.C.), a member of the Senate Armed Service Committee, are planning to raise the prisoner issue. They are now seeking information from the Defense Department as to the number of American men still held by the Chinese.

The Thurmond group also wants to know the exact number of Americans (believed to be more than 20) that the North Vietnamese captured during the recent military operation in Laos. Nixon Administration officials will be asked to make known their plans for obtaining the release of these men and the more than 450 Americans known to be prisoners in North Vietnam.

By linking the Vietnam and Chinese prisoners' issue, the Thurmond group hopes to bring new pressure on President Nixon to spell out to the American people how he plans to obtain the freedom of these forgotten heroes. Many members of Congress believe the time is running out for these prisoners and that the U.S. must act soon if they are ever to see freedom again.

NEW ROLE FOR THE ARMY ENGINEERS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, last year I introduced legislation to give statutory authority to a five-man, civilian Environmental Advisory Board in the Army Corps of Engineers. The Board would have been charged with the responsibility of conducting environmental reviews of all proposed and on-going corps projects, and these reviews would be included with the environmental impact statements filed with the Council on Environmental Quality. My legislation would simply have formalized by law an initiative already taken by the corps in establishing such a Board, and would have given the Board more specific responsibilities.

I was pleased to read in the Sunday Star that additional initiatives have been taken by the corps to insure full consideration of environmental factors in the policy and decision process at the corps.

The corps has taken the lead in implementing the licensing scheme under the 1899 Refuse Act which deals with water pollution the corps has been assigned the chore of cleaning up the Nation's dirtiest river, the Cuyahoga; and the corps has upgraded the Board of Engineers for Rivers and Harbors as the

"conscience of the corps" when it comes to environmental matters.

At this point in the RECORD I would like to include the full text of the article written by John Lannan for the Sunday Star. The article follows:

[From the Washington Star, Apr. 25, 1971]

ARMY ENGINEERS TAKE NEW ROLE

(By John Lannan)

A longtime target of the environmentalist-conservationist, the Army's Corps of Engineers, is being moved into a position as a key environmental watchdog.

Three recent actions have changed the corps' status from that of "nature's wrecker" to one of its prime enhancers:

President Nixon's decision to have the corps fully implement a long-neglected pollution licensing scheme called for in the Refuse Act of 1899.

Assigning to the corps the job of cleaning up the nation's dirtiest river, the Cuyahoga. Draining an 800-mile watershed in the Cleveland area, it spews a stream of filth into dying Lake Erie and is so laden with industrial pollutants that it actually caught fire.

The corps' decision to upgrade its little-known project review agency, the Board of Engineers for Rivers and Harbors, sometimes called "the Conscience of the Corps."

CUYAHOGA IS MAJOR TEST

The permit program will be vested in the Corps with the Environmental Protection Agency having control over water quality.

The Cuyahoga effort is a major test. "It's one the Chief asked for," one of Lt. Gen. Frederick Clarke's aides said last week.

"He told Congress he wanted to clean up a river and show how political and regional differences can be resolved in the same way we've been resolving them in other public works projects for years.

"They gave him the dirtiest river they had."

The decision to upgrade the "conscience of the corps" also originated with Clarke.

"We had quite an in-house discussion about how to find out if our projects are environmentally sound," he said in an interview.

One result was the board's new status. Others included headquarters insistence that district engineers go out and find potential opponents to all its projects "to get the issues on the table early."

Still another was a whole new public hearing outlook. Instead of holding a single hearing, district engineers must now hold a whole series—one at each critical point in a project. And if a project has a long lapse between authorization and funding—a rather regular occurrence—Clarke has ordered new hearings to get the issues up to date and current opinion out of the table.

The Rivers and Harbors Board changes are probably the least visible result of the corps reviews, but the most significant.

Set up by Congress in 1902 to bring some consistency into the multitudinous public works projects it handled, the board now consists of five generals and a colonel.

It is located in a bedraggled building in a rundown end of Southwest Washington. It is geographically, physically and philosophically remote from—and totally independent of—Clarke's flossy headquarters in L'Enfant Plaza's sparkling new Forrestal Building.

Recently, the board acquired a "resident" rather than a visiting chairman, Maj. Gen. Willard Roper. It has long had a resident administrator. The current one is a hard-nosed, career engineer, Col. A. D. 'Al' Wilder.

NO PROJECT SACRED

He says he and his predecessors were specially selected from among men at the

ends of their careers because they were "devoid of ambition and immune to fear."

No one's project is sacred, Wilder said. "We bounce them even when we know the chief has an interest in them," he laughs.

From 1902 until March 31, the Board approved 3,573 projects dear to one or another congressman's heart. It turned down 4,479.

Its decisions are made in private "so we can be free to criticize one another," said Roper. Though Roper doesn't see the board as a deliberate policymaker for the corps, he admits its decisions—such as those requiring an extremely new emphasis on environmental factors—create policy as they develop into trends.

And Clarke said that in the future the board "will, over a period of time, make more policy than almost anything we do."

STAFF TO EXPAND

He has authorized a major expansion of its 65-man staff. It now includes engineers, economists, environmentalists and even a resident critic.

This year's scholar in residence will be biologist Paul Kilburn of Illinois' Principia College, one of the corps' harshest critics.

Staff Ecologist Richard Macomber has already added two experts to his staff and is looking for more while at the same time setting up a panel of consultants from among the country's best professional ecologists.

Roper says the corps is suffering both real and factual image problems resulting from a wave of 1930-era insistence on flood control at any price.

"It made the current environmental pressures seem like a Sunday school picnic," he recalled.

As navigation, flood control, dams and channels expanded into flood plain management programs, water supply sources and hydroelectric plants with multibillion dollar price tags, Congress became increasingly watchful and imposed ever more stringent criteria for project justifications.

The result was a purely economic outlook; national, regional, and spinoff benefits in that order.

Then Congress began to look at recreation benefits, an intangible factor that causes more problems than imaginable because of the inability to translate human well-being into dollars.

Presently the corps is the federal government's largest single recreational agency. It had 267 million visitors to its lakes, ponds, waterways, parks and picnic areas last year—more than all the other recreational agencies combined.

"Remember," says Roper, "we have some early experience in the quality of life business. The corps acquired Yosemite and Yellowstone National Parks for Interior and we ran them until the Park Service was formed."

BEAUTIFICATION AUTHORIZED

Recently, Congress authorized the Corps to spend up to three percent of total project cost on beautification and access for the public, another loosening of the purse strings in the direction of human values.

Next, according to Wilder and Clarke, will be a step beyond environment: The total concept of quality of life. That is what the board and the corps are gearing up for.

"We intend to be out front on that one," said a staff aide. "We're tired of being the whipping boys. We're going to show what we can do on the Cuyahoga. We're the integrators, the buys who can pull the pieces together."

"We don't plan to take over, but we intend to play a major role in solving some of these big river basin system problems and, if we're right, we'll develop the methods for the air pollution people to use in handling their regionalized political, social and boundary difficulties."

ASIAN AMERICANS OPPOSE WAR, TWO-CHINA POLICY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. DELLUMS. Mr. Speaker, last Friday I met with a delegation of Asian Americans who have begun to take a more active role in dealing with the unique problems of their communities in America.

I was very impressed with the programs and efforts they are undertaking within the Asian-American community dealing with education, manpower, and social services.

But the main topic we discussed was international affairs and the general subject of Western and American imperialism and interventions in Asian affairs.

I believe these members of the Asian Coalition represent an ever-growing segment of the Asian-American community. Yet, if we listen to many of the "old China hands" amongst us, we would more probably get a perspective in which myths and fables of the 1940's and fifties are passed off as those prevailing in the Asian-American community.

That just is not so.

On April 18, members of the Asian Coalition wrote President Nixon because they felt that the real views of their community were being misrepresented. I received a copy of that letter, and I insert it into the Record because I feel that my colleagues also would be interested in knowing these ideas and opinions.

The letter follows:

APRIL 18, 1971.

RICHARD NIXON,
President of the United States of America,
Washington, D.C.

DEAR MR. NIXON: We of the Asian Coalition believe that the comments of Washington Republican hostess, Mrs. Anna Chennault, necessitates clarification and rebuttal. According to Washington Post reporter, George Lardner, Jr., Mrs. Chennault praises President Nixon's efforts in regard to an Asian Foreign Policy specifically mainland China. She goes on to note that "... we (Asian Americans) should not be discouraged simply because Americans are trying to make some communications." These comments and reassurances imply that the Asian American community sympathetically if not politically stands behind the government of Nationalist China and her survival.

The reality, on the contrary is that Mrs. Chennault neither speaks for, nor represents the majority of Asian Americans.

First, we are encouraged and not discouraged by recent events. If Asian stability is to be achieved, the United States must give up the facade of merely dealing with a Nationalist Chinese Government.

Secondly, we would reserve our praise of President Nixon until he acknowledges that a two China policy is untenable. The political realities indicate that mainland China will be admitted to the United Nations and receive full international recognition. United States foreign policy must adapt accordingly, or we face the inevitability of conflict and confrontation.

Thirdly, perhaps Mrs. Chennault is discouraged and disappointed, but a cursory review of her past activities may indicate why. In the Making of the President, Theodore H.

White reports that Mrs. Chennault, sabotaged the 1968 Paris Peace Talks. She has also been among the leaders of the small but tragically effective "China Lobby." . . . A lobby that perpetrates the myth of Nationalist China and creates a misguided paranoia of Mainland China.

One indirect implication of this effort, we feel is the "undeclared war" in Indochina . . . the bombing, burning and killing of the peoples of Southeast Asia. Our coalition supports immediate withdrawal of all United States troops from Southeast Asia.

We of the Asian Coalition say to our Government: Stop the killing. Stop the murder of Asians. No more Vietnams. No more Mylails. No more Anna Chennault!

HELEN HAYES,
Chairman, Asian Coalition, Wash., Va., Md.

FEDERAL-STATE EXTENDED UNEMPLOYMENT ACT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mrs. GRASSO. Mr. Speaker, I am today introducing a bill which will amend the Federal-State Extended Unemployment Act of 1970 by extending Federal participation in unemployment compensation costs for an additional 13 weeks. This bill will provide for unemployment compensation coverage for 52 weeks as opposed to the 39-week limit now in force, with a provision that the Federal Government absorb the full cost of the coverage for the additional 13 weeks.

My bill is of utmost importance to Connecticut and, I am sure, to many other States.

Under the present extended unemployment compensation law which went into effect last fall, the individual States share in the increased Federal sharing program only when the level of insured unemployment in the particular State is above 4 percent, or if the jobless claims for each 13-week period are 20 percent higher than the claims for the corresponding 13-week period last year and the year before. The amendment I am proposing leaves the eligibility criteria intact.

Connecticut qualifies under both criteria. The figures tell the story in no uncertain terms. In 1969, Connecticut averaged from 30,000 to 40,000 claims for unemployment on a monthly basis. In 1970 the average claim load was 50,000 to 60,000 for most of the year, rising to 90,000 by December. Currently, over 100,000 unemployed workers are receiving compensation. As job availability continues to deteriorate, the number of claimants who have exhausted their benefits under the present 39-week Federal-State sharing program will increase. In 1969, 15,800 persons exhausted their full benefits. This figure rose to 28,500 in 1970, and may reach catastrophic proportions in 1971 as the job market tightens and more workers are laid off.

Against this background of an increased number of claims, the State unemployment compensation reserve fund is dwindling. At present the fund stands

at \$230 million. This fund will be depleted at an increased rate in Connecticut, as the State has a program now in operation for an additional 13-week coverage period funded completely by State moneys when the unemployed workers regular 39-week period is exhausted. Although at present only a small portion of the claimants receive benefits from this additional State plan, the full State funding it entails puts a heavy demand on the reserve.

Thus, we have a cycle of increasing claims and decreasing reserves. It is imperative that the Federal Government assume the full burden of funding for the final 13-week period in order to stave off an even greater fiscal crisis in States with high unemployment such as Connecticut.

I recognize that extension of unemployment compensation to provide at least a subsistence income for the jobless worker over the period of a year is treating the symptom rather than the disease. At this time, however, every remedy must be used.

We must continue to employ all the economic tools necessary to put the economy on the road to steady noninflationary growth. In the meantime, however, we must make sure that the workingman and his family are provided resources for the necessities of life.

I urge my colleagues to consider the swift enactment of this measure.

FARM VEHICLE REGULATIONS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing for appropriate reference a bill to amend section 204 of the Interstate Commerce Act to exempt certain farm vehicles from its provisions. Although farm vehicle operators have been historically exempted from the motor carrier safety regulations with respect to driver qualifications, it was recently proposed that they be included, and regulations were published to that effect. Under the proposed regulations, which were to take effect on July 1 of this year, a farmer, member of his family or employee driving a truck in interstate commerce would have to be 21 years of age, have passed an examination in Federal safety regulations, and carry a medical certificate not more than 24 months old. In addition, an employee would be required to file with his employer at time of employment, and annually thereafter, a record of his traffic violations.

It is my understanding that a tentative agreement has been reached between the Department of Transportation and farm groups to continue the exemption for lightweight farm vehicles, and an official announcement should be forthcoming momentarily. This is a most salutary development, and I commend all those involved in working out this most rea-

sonable arrangement. I think it became apparent to everyone during the extended hearings on the proposed regulations what an extreme hardship they would work on most farmers who are dependent upon family members and young hired help to drive these farm vehicles.

The bill which I am introducing today would codify that agreement and that exemption to insure its permanence so that we are not faced a few years hence with another attempt to alter that exemption by regulation.

Mr. Speaker, I would be the first to concede that farmers should have to endure the inconvenience of these proposed regulations if there was evidence that they are involved in an inordinately high number of traffic accidents. But the evidence available to me indicates that the accident rate for farm vehicles is only one-third that of those vehicles in the regulated trucking industry, even though there are six times as many farm vehicles. And farm drivers in the 21-and-under age group have a driving record as good as or better than any other age group, and several times better than others in their age group who do not drive farm vehicles. It, therefore, does not seem fair to penalize the farmer on the basis of these statistics by denying him the help of drivers under 21 years of age, especially when he is so dependent on the help of younger members of his own family and hired high school and college help.

I am, therefore, pleased that the rule of reason has apparently prevailed and that an announcement will be made shortly to continue the current exemption for lightweight farm vehicles. I urge the Secretary of Transportation to give his final approval to the agreement which has been worked out, and I urge favorable consideration of the legislation which I am introducing today to formalize that agreement by law.

MEDICARE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. BEGICH. Mr. Speaker, in the past several years the cost of hospital and medical care has risen to staggering proportions. The high costs often prohibit those most needing medical care from receiving adequate attention. With appropriate legislation the United States could see all of its citizens receiving the same comprehensive medical treatment through medical care insurance coverage of our families.

Until recently there have been few legislative proposals that provided the necessary medical care needed in light of today's problems. One such area includes a comprehensive drug insurance program for the 20 million Americans covered by medicare.

While medicare does help the individual in time of need, serious problems arise when patients must rely on their

own personal finances when they require outpatient drug prescriptions for necessary care.

The people who would derive the most benefit from this program would be our senior citizens. These 20 million older Americans would have the comfort of knowing that they would be able to enjoy their later years free from care and worry—that if they could not afford necessary prescription drugs—should they become ill.

Under outpatient prescription drug benefits, participants would be reimbursed for prescription drugs and certain nonprescription drugs for life sustaining purposes and would permit each patient to choose his own pharmacists.

Financing the program under the part A portion of medicare means that an individual will pay for his drug insurance during his working years rather than later when his income is sharply reduced due to retirement. It also assures that nearly everyone over 65 will benefit, without having to pay monthly premiums, keep records, or file claims.

One of the basic obligations that any government has is that it assures each citizen the opportunity to receive the best possible medical and outpatient care. Under the Obey program citizens who could not otherwise afford this care will be able to receive proper medical care, and at the same time not deplete their savings due to unexpected illness.

I heartily endorse this program and I urge my colleagues to see that outpatient prescription drug costs be included under medicare.

COUNCIL ON ENVIRONMENTAL QUALITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. DINGELL. Mr. Speaker, the Council on Environmental Quality, in an effort to advise the public of the immense reservoir of data available on Government actions affecting the environment and to enable interested persons to comment on such actions, issues a monthly publication called the 102 Monitor. The 102 Monitor which takes its name from section 102(2)(C) of the National Environmental Policy Act, lists the draft and final environmental impact statements and comments received by the council in the previous month. This open Government policy has required initiative and persistence by the Council and has the full support of those of us who helped gain the enactment of the National Environmental Policy Act.

The 102 Monitor each month also explains in detail how individual agencies handle the 102 statement process. To date there have been highly useful descriptions of the procedures of the Army Corps of Engineers, the Atomic Energy Commission, and the Federal Power Commission.

The Council advises me that those interested in receiving the 102 Monitor on

a regular basis should notify the editor of the publication, Gay Boyer, at the Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

So that my colleagues and others might have an opportunity to be familiar with this very useful publication, I include the text of the first three issues of the 102 Monitor at this point in the CONGRESSIONAL RECORD.

[From 102 Monitor, February 1971]

THE 102 MONITOR

Section 102(a) (C) of the National Environmental Policy Act (PL 91-190) or "NEPA" is intended as an "action forcing provision" to make all Federal agencies take full account of the environmental aspects of their major actions. In essence it requires that, prior to recommending or reporting on legislation, or taking other major action significantly affecting the environment, the responsible Federal official shall prepare an environmental impact statement (a "Section 102" statement). This statement must detail the environmental impact of the proposed action, any adverse effects that cannot be avoided and the alternatives to the proposed action.

Federal agencies with relevant environmental expertise are to be consulted and the views of state and local agencies authorized to develop and enforce environmental standards are also to be invited. Most significantly, the 102 statements and the comments and views of the Federal, state and local agencies are to be made available to the public.

The National Environmental Policy Act is an innovative piece of legislation. Fulfillment of its objective will demand vigilance from all branches of government and particularly from concerned members of the public.

In order to facilitate comment on, and participation in this process, the Council will publish the 102 Monitor monthly. In the 102 Monitor all 102 statements (draft of final) that have been received will be listed with the names and telephone numbers of agency contacts from whom copies of these statements and comments thereon may be obtained.

Beginning with the next issue, we also plan to focus on different agencies each month, and describe each agency's procedures for handling its 102 statements.

The 102 Monitor is available on request with preference given to those representing groups with a continuing interest in the 102 process not restricted to a single project, e.g.—conservation and environment protection groups, Congressional staff, news writers specializing in environment news, law school groups, and State and local government officials.

PUBLIC LAW 91-190, 91ST CONGRESS,
S. 1075, JANUARY 1, 1970

An act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes

Be it enacted by the Senate and House of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to

the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Na-

tion, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Sec. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

Sec. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, sur-

veys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

Sec. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Sec. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5818). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5815).

Sec. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.

[Executive Order 11514]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

Sec. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of

such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

Sec. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

SEC. 4. *Amendments of E.O. 11472.* Executive Order No. 11472 of May 29, 1969, including the heading thereof, is hereby amended:

(1) By substituting for the term "the Environmental Quality Council", wherever it occurs, the following: "the Cabinet Committee on the Environment".

(2) By substituting for the term "the Council", wherever it occurs, the following: "the Cabinet Committee".

(3) By inserting in subsection (f) of section 101, after "Budget," the following: "the Director of the Office of Science and Technology".

(4) By substituting for subsection (g) of section 101 the following:

"(g) The Chairman of the Council on Environmental Quality (established by Public Law 91-190) shall assist the President in directing the affairs of the Cabinet Committee."

(5) By deleting subsection (c) of section 102.

(6) By substituting for "the Office of Science and Technology", in section 104, the following: "the Council on Environmental Quality (established by Public Law 91-190)".

(7) By substituting for "(hereinafter referred to as the 'Committee')", in section 201, the following: "hereinafter referred to as the 'Citizens' Committee'".

(8) By substituting for the term "the Committee", wherever it occurs, the following: "the Citizens' Committee".

RICHARD NIXON.

THE WHITE HOUSE, March 5, 1970.

[From the Federal Register, Jan. 28, 1971]

COUNCIL ON ENVIRONMENTAL QUALITY—STATEMENT ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

GUIDELINES

Notice is hereby given that the Council on Environmental Quality proposes, as provided in the interim guidelines issued April 30, 1970, to revise its guidelines on the preparation of detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4322(2)(c)).

Prior to the adoption of the proposed revisions, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Council on Environmental Quality (722 Jackson Place, N.W., Washington, DC 20006). Attention: General Counsel, within a period of 45 days from the date of publication of this notice in the Federal Register.

Dated: January 22, 1971.

STATEMENTS ON PROPOSED FEDERAL ACTIONS

AFFECTING THE ENVIRONMENT

GUIDELINES

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans, and programs so as to meet national environmental goals. The objective of section 102(2)(c) of the Act and of these guidelines is to build into the agency decisionmaking process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act.

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or a recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, no later than June 1, 1970 (and, with respect to requirements imposed by revisions in these guidelines, by May 1, 1971) its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C), and the agency review processes for which environmental impact statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 12 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activi-

ties and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;

(ii) Projects and continuing activities; Directly undertaken by Federal agencies; Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

Involving a Federal lease, permit, license certificate, or other entitlement for use;

(iii) Policy, regulations—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, observe short-term, to the dis-

advantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.*

(a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added

at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency will also be required.

(c) In addition to these rules, the Administrator of the Environmental Protection Agency shall comply with the provisions of section 309 of the Clean Air Amendments of 1970 (42 U.S.C. 1857 et seq.).

(d) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

8. *Federal agencies to be consulted in connection with preparation of environmental statement.* At the earliest point at which possible action requiring an environmental statement has been identified but prior to agency decision as to that action, the Federal agency considering the action, on the basis of information for which it takes responsibility, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment involved);

Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of State.
Department of Transportation.
Atomic Energy Commission.
Federal Power Commission.
Environmental Protection Agency.
Office of Economic Opportunity.

For actions specially affecting the environment of their geographic jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.
National Capital Planning Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended that the above listed departments and agencies establish contact points for providing comments on the environmental impact of proposed actions described in draft environmental statements and that departments from which comment is solicited, coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or statutory obligation of any Federal agency to special expertise is in addition to any specific coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than 30 days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make.

9. *Use of statements in agency review processes; distribution to Council on Environmental Quality.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments received thereon (when received), and ten (10) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the fullest extent possible, no administrative action subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and made available to the public pursuant to section 12 of these guidelines, or sooner than thirty (30) days after the final text of a statement (together with comments) has been made available to the Council and the public. With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement should be available to the Congress and the public in advance of any relevant Congressional hearings.

10. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A-85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional, and metropolitan clearing houses.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of environmental statements and comments to public.* (a) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action.

(b) The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552) without regard to the exclusion of interagency memoranda therefrom. With respect to recommendations or reports on proposals for legislation, the environmental statement and comments should be made available to the public at the same time they are furnished to the Congress. With respect to administrative actions, except where advance public disclosure will result in significantly increased costs of procurement to the Government, the draft environmental statement should be made available to the public at the same time it is circulated for comment and furnished to the Council, and the final text of the statement and comments received should be made available to the public when furnished to the Council. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statements available to the public fifteen (15) days prior to the time of the relevant hearings. Agencies shall institute appropriate procedures to implement those requirements for public availability of environmental statements and comments thereon. These shall include arrangements for availability of the draft and final texts of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses.

13. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental as-

pects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX 1

FORM OF THE SUMMARY SHEET WHICH SHOULD ACCOMPANY EACH DRAFT AND FINAL ENVIRONMENTAL STATEMENT

There should be a summary statement of no more than one page containing the following information:

1. Date of the statement.
2. Indication whether statement is draft or final.
3. A complete listing of all Federal, State, and local agencies from which comments have been received.
4. The first three items (environmental impact, adverse environmental effects which cannot be avoided, alternatives) of the five required under Section 102(2)(C) should be briefly summarized.
5. The summary should show whether the proposed action is (a) legislative (proposed legislation or report on legislation) or (b) administrative.

APPENDIX 2

FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

- Air Quality and Air Pollution Control*
- Environmental Protection Agency—Air Pollution Control Office.
 - Department of the Interior—Bureau of Mines (fossil and gaseous fuel combustion).
 - Bureau of Sports Fisheries and Wildlife (wildlife).
 - Department of Transportation—Assistant Secretary for Systems Development and Technology (auto emissions).
 - Federal Aviation Administration (aircraft emissions).

Weather Modification

- Department of Commerce—National Oceanic and Atmospheric Administration.
- Department of the Interior—Bureau of Reclamation.

ENERGY

- Environmental Aspects of Electric Energy Generation*
- Atomic Energy Commission (nuclear power).
 - Environmental Protection Agency—Water Quality Office.
 - Air Pollution Control Office.
 - Department of Agriculture—Rural Electrification Administration (rural areas).
 - Federal Power Commission (hydro facilities and transmission lines).
 - Department of Housing and Urban Development (urban areas).
 - Department of the Interior—(facilities and Government lands).

- Natural Gas Energy Development Generation*
- Federal Power Commission.
 - Department of the Interior—Geological Survey, Office of Oil and Gas.

HAZARDOUS SUBSTANCES

Toxic Materials

- Department of Health, Education, and Welfare—Food and Drug Administration.
- National Institutes of Health.
- Environmental Protection Agency.
- Department of Agriculture—Agricultural Research Service.
- Department of Defense.

Pesticides

- Environmental Protection Agency—Office of Pesticides.
- Department of Agriculture—Agricultural Research Service (biological controls, food and fiber production).
- Department of the Interior—Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).

Herbicides

- Department of Agriculture—Agricultural Research Service.
- Forest Service.
- Soil Conservation Service.
- Environmental Protection Agency—Office of Pesticides.

Transportation and Handling of Hazardous Materials

- Interstate Commerce Commission.
- Department of Defense—Armed Services Explosive Safety Board.
- Department of Transportation—Federal Highway Administration Bureau of Motor Carrier Safety.
- Federal Railroad Administration.
- Federal Aviation Administration.
- Assistant Secretary for Systems Development and Technology.
- Office of Hazardous Materials.
- Office of Pipeline Safety.
- Environmental Protection Agency (hazardous substances).
- Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

- Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches*
- Department of Transportation—Coast Guard (bridges, navigation).
 - Department of Defense—Army Corps of Engineers (beaches, dredge and fill permits, Refuge Act permits).
 - Department of the Interior—Bureau of Sport Fisheries and Wildlife.
 - U.S. Geological Survey (coastal geology).
 - Bureau of Outdoor Recreation (beaches).
 - Department of Commerce—National Oceanic and Atmospheric Administration.
 - Bureau of Commercial Fisheries.
 - Department of Agriculture—Soil Conservation Service (soil stability, hydrology).
 - Environmental Protection Agency—Water Quality Office.
 - Department of Housing and Urban Development (urban aspects).

Historic and Archeological Sites

- Advisory Council on Historic Preservation.
- Department of the Interior—National Park Service.
- Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

- Department of Agriculture—Agricultural Stabilization and Research Service.
- Soil Conservation Service.
- Forest Service.
- Department of the Interior—Bureau of Reclamation.
- U.S. Geological Survey.
- Department of Housing and Urban Development (urban areas).
- Department of Defense—Army Corps of Engineers.

Mineral Land Reclamation

- Department of the Interior—Bureau of Mines.
- Bureau of Land Management.
- U.S. Geological Survey.
- Department of Agriculture—Forest Service.

Parks, Forests, and Outdoor Recreation Areas

Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Agriculture—
Forest Service.
Department of Housing and Urban Development (urban areas).
Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions
Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration (national oceans survey).
Department of the Interior—
Bureau of Land Management.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Office of Noise Abatement.
Federal Aviation Administration.
Environmental Protection Agency.
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination and Food Products

Department of Health, Education, and Welfare—
Food and Drug Administration (food, drugs, cosmetics).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare—
Food and Drug Administration.
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare—
Food and Drug Administration.

Radiation and Radiological Health

Atomic Energy Commission.
Department of Health, Education, and Welfare—
National Institute of Environmental Health Sciences.
Environmental Protection Agency—
Office of Radiation.

Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education, and Welfare—
National Institute of Environmental Health Sciences.
Health Services and Mental Health Administration.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes).

Shellfish Sanitation

Department of Commerce—
Bureau of Commercial Fisheries.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare—
Food and Drug Administration.
Environmental Protection Agency.

TRANSPORTATION

Air

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.

Water

Environmental Protection Agency—
Water Quality Office.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

Land

Department of Transportation—
Federal Highway Administration.
Federal Railroad Administration.
Urban Mass Transportation Administration.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—
Urban Mass Transportation Administration.
Federal Highway Administration.
Department of Health, Education, and Welfare—
Health Services and Mental Health Administration.

Office of Economic Opportunity.
Department of Housing and Urban Development.

Department of the Interior—
Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.

Rodent Control

Department of Health, Education, and Welfare—
Health Services and Mental Health Administration.
Department of Housing and Urban Development (urban areas).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Urban Planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of the Interior—
Bureau of Reclamation.
Bureau of Mines.
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Office of Saline Water.
Environmental Protection Agency—

Water Quality Office.
Department of Defense—
Navy (ship pollution control).
Army Corps of Engineers (Refuse Act permits).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).

Oceanography

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.

WILDLIFE

Environmental Protection Agency.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

Agency and Contact

Department of Agriculture, Dr. T. C. Byerly, Office of the Secretary, 388-7803.
Appalachian Regional Commission, Orville H. Lerch, Alternate Federal Co-Chairman, 967-4103.

Department of the Army (Corps of Engineers), Colonel J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, 693-7168.

Atomic Energy Commission, For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation, 973-7531.

Department of Commerce, Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, 967-4335.

Department of Defense, Dr. Louis M. Rousselot, Assistant Secretary of Defense (Health and Environment), 697-2111.

Environmental Protection Agency, Robert Hayward, Environmental Protection Agency, 632-7692.

Federal Power Commission, Frederick H. Warren, Commissioner's Advisor on Environmental Quality, 386-6084.

General Services Administration, Rod Kreger, Deputy Administrator, 343-6077.

Department of Health, Education, and Welfare, Donald Bliss, Assistant to the Secretary, 962-4742.

Department of Housing and Urban Development: Charles Orlebeke, Deputy Under Secretary, 755-6960.

Alternate Contact, George Wright, Office of Deputy Under Secretary, 755-8192.

S. William Green, Regional Administrator II, Attn: Environmental Clearance Office, 26 Federal Plaza, New York, NY 10007 (212-264-8068).

Warren P. Phelan, Regional Administrator III, Attn: Environmental Clearance Office, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106 (215-597-2560).

Edward H. Baxter, Regional Administrator IV, Attn: Environmental Clearance Office, Peachtree—Seventh Building, Atlanta, Ga. 30823 (404-526-5585).

Don Morrow (Acting), Regional Administrator V, Attn: Environmental Clearance Office, 360 North Michigan Avenue, Chicago, Ill 60601 (312-353-5680).

Richard L. Morgan, Regional Administrator

¹Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

James J. Barry, Regional Administrator I, Attn: Environmental Clearance Office, Room 405, John F. Kennedy Federal Building, Boston, MA 02203 (617-223-4066).

VI, Attn: Environmental Clearance Office, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102 (817-334-2867).

Harry T. Morley, Jr., Regional Administrator VII, Attn: Environmental Clearance Office, 911 Walnut Street, Kansas City, MO 64108 (816-374-2661).

Robert C. Rosenheim, Regional Administrator VIII, Attn: Environmental Clearance Office, Samsonite Building, 1050 South Broadway, Denver, CO 80209 (303-837-4061).

Robert H. Baida, Regional Administrator IX, Attn: Environmental Clearance Office, 450 Golden Gate Avenue, Post Office Box 35003, San Francisco, CA 94102 (415-556-4752).

Oscar P. Pederson, Regional Administrator X Attn: Environmental Clearance Office, Room 226, Arcade Plaza Building, Seattle, WA 98101 (206-583-5415).

Department of the Interior, Jack O. Horton, Special Assistant to the Secretary, 343-6412. Interstate Commerce Commission, Marten E. Foley, Assistant Managing Director, 737-9765 x 434.

Office of Economic Opportunity, Frank Carucci, Acting Director, 254-6000.

St. Lawrence Seaway Development Corporation, John B. Adams III, Chief Engineer, 962-1887.

Tennessee Valley Authority, Dr. Francis Gartrell, Director of Environmental Research and Development, 615-755-2002.

Department of Transportation, Michael S. Cafferty, Assistant Secretary for Environment and Urban Systems, 426-4563.

Department of State, Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, 632-7964.

National Capital Planning Commission, Charles H. Conrad, Executive Director, 382-1163.

Advisory Council on Historic Preservation, Robert Garvey, Executive Director, 801 19th Street NW., Suite 618, 343-8607.

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL ON ENVIRONMENTAL QUALITY TO FEBRUARY 1, 1971

(To obtain a copy of a statement, contact the person whose name is listed directly below the title of the particular agency involved. Telephone numbers refer to Washington, D.C., area code 202, unless otherwise indicated. Draft statements are not listed after final statements have been received on a proposed action previously covered in a draft statement.)

APPALACHIAN REGIONAL COMMISSION

Contact: Orville H. Lerch, Alternate Federal Co-Chairman (967-4103).

Draft

Title and Date

Proposed research and demonstration project in Kentucky to determine new approaches to surface mining, September 24.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs (973-5391); for Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation (973-7531).

Draft

Title and Date

Application for a license to operate the H. B. Robinson Plant, Unit 2 by the Carolina Power and Light Company, South Carolina, June 5.

Operation by the Consumers Power Company of the Palisades Nuclear Power Station, South Haven, Michigan (Rec'd 2nd draft 10/19), June 8.

Statement on the CANNIKIN (Amchitka nuclear test) Alaska, June 17.

Proposed construction and operation of the Hutchinson Island Nuclear Power Plant by the Florida Power and Light Company, June 22.

Application for the Proposed Ocoee Nu-

clear Stations Units 1, 2, and 3 by the Duke Power Co., South Carolina, July 22.

Proposed Midland Plant Units 1 and 2 by the Consumer Power Co. Michigan, August 6.

Point Beach Nuclear Plant Unit No. 1 and 2 by the Wisconsin Electric and Power Company and Michigan Power Company, Wisconsin, August 11.

San Onofre Nuclear Generating Station Units 2 and 3, California, August 18.

Forked River Nuclear Generating Station by the Jersey Central Power and Light Company, New Jersey, August 19.

Application to operate the Vermont Yankee Nuclear Power Station, September 23.

Proposed Enrico Fermi Atomic Power Plant Unit No. 2 by the Detroit Edison Co. Michigan, October 6.

Pilgrim Nuclear Power Station by the Boston Edison Company, Massachusetts, October 12.

Proposed Joseph M. Farley Nuclear Plants Units 1 and 2 by the Alabama Power Company, October 15.

License to operate a uranium fuel element fabrication plant in Richland, Wash., by the Jersey Nuclear Company, October 20.

Three Mile Island Nuclear Station Unit 1 by the Metropolitan Edison Company, Pennsylvania, October 28.

Proposed Limerick Generating Station by Philadelphia Electric Company, Pennsylvania, November 17.

Radioactive Waste Repository, Lyons, Kansas, November 30.

Arkansas Power and Light Company, Nuclear, Unit 2, December 1.

Florida Power and Light Company Turkey Point Plants Unit Nos. 3 and 4, December 28.

Guide to the Preparation of Environmental Reports for Nuclear Power Plants, January 14.

Nuclear Rocket Development Station, Nevada, January 15.

Quad Cities Nuclear Power Station Units 1 and 2, Illinois, January 19.

Final

Title and Date

Operation and Construction by the Tennessee Valley Authority of the Sequoyah Nuclear Plant Units 1 & 2, Tennessee, May 1.

Operation by Northern States Power Company of the Monticello Nuclear Generating Plant (Unit 1), Minnesota, May 1.

Construction and Operation by the Duquesne Light Company, Pennsylvania Light Company, and Ohio Edison Company of the Beaver Valley Power Station—Beaver, Pennsylvania, May 12.

Operation by the Connecticut Light and Power Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., and the Millstone Point Company of Millstone Nuclear Power Station (Unit 1), Connecticut, July 7.

Shoreham Nuclear Power Station Plant Unit No. 1 by the Long Island Lighting Company, New York, September 14.

Millstone Point Company's Application to construct the Millstone Nuclear Power Station Unit 2, Connecticut, September 15.

Barnwell Nuclear Fuel Plant by Allied-Gulf Nuclear Services, South Carolina, October 15.

North Anna Power Station by the Virginia Electric and Power Company, November 13.

Proposed construction and operation of the Trojan Nuclear Plant by the Portland General Electric Co., Oregon, November 18.

Construction of Davis-Besse Nuclear Power Station by Toledo Edison Company and Cleveland Electric Illuminating Co. Ohio, November 20.

Underground Nuclear Test Programs—Nevada Test Site, November 20.

Consolidated Edison Co. of N.Y. for Indian Point Nuclear Generating Unit #2, December 8.

Dresden Nuclear Power Station Unit 3 by Commonwealth Edison Co. Illinois, December 31.

Shirley Basin Uranium Mill, Wyoming, January 6.

DELAWARE RIVER BASIN COMMISSION

Contact: Mr. W. Brinton Whitehall, Secretary, Delaware River Basin Commission (609-883-9500).

Draft

Title and Date

Point Pleasant Diversion Plant, Bucks & Montgomery Counties, Pennsylvania, January 6.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byrely, Office of the Secretary (388-7803).

Draft

Title and Date

Action to restrict uses of the herbicide 2, 4, 5, T, June 16.

East Sector Whitewater River Watershed, Kansas (SCS), August 10.

Upper McKee Creek (North Fork) Watershed, Illinois (SCS), August 11.

West Sector Whitewater River Watershed, Kansas (SCS), August 12.

Lower McKee Creek (North Fork) Watershed, Illinois (SCS), August 13.

Work Plan for Snapping Shoals Creek Watershed, Georgia (SCS), August 14.

Kadashan Bottom Watershed, Oklahoma, August 28.

Ecletto Creek Watershed Work Plan, Texas, September 4.

Stone Corral Watershed, California, September 9.

Statement on Meat Inspection Regulations (Consumer and Marketing Service), September 15.

Perilla Mountain Watershed, Arizona, September 21.

Access to Mining Claims of Cougar Development Corp. near Labohn Gay Snoqualmie National Forest, Washington (SCS), September 24.

Lower Clear Boggy Creek Watershed, Oklahoma (SCS), October 1.

Red Lick Creek Watershed, Kentucky (SCS), October 14.

Deep Red Run-Coffin Creek Watershed, Oklahoma (SCS), October 15.

Work Plan for the Yantic River Watershed, Connecticut (SCS), October 28.

Management of French Pete Creek, Willamette National Forest, Oregon, November 6.

Proposed purchase and use of the insecticide Zectran to suppress outbreaks of the spruce budworm and Jack-pine budworm, Idaho, Montana, Maine, Minnesota, November 16.

Management proposal for the Magruder Corridor, Magruder Ranger District, Bitterroot National Forest, Idaho, November 27.

Work Plan for the Sweetwater Creek Watershed, Tennessee (SCS), December 9.

Imported Fire Ant southern States, January 15.

Final

Title and Date

Proposed FIFRA Amendments, May 12.

Water Bank Act (HR 15770), May 25.

Management Practices on the Bitterroot National Forest in Montana (FS), June 18.

28 Watershed work plans (prepared under authority of the Watershed Protection and Flood Prevention Act—PL 83-566), August 11 (all):

Bahala Creek, Mississippi.

Clear Creek, Illinois.

Clear Creek, Nebraska.

Crooked Arroyo, Colorado.

East Upper Maple River, Michigan.

Fish Stream, Maine.

Headwaters of the Chattooga River, Georgia.

Hog Creek, Texas.

Indian Creek-Bobo Bayou, Mississippi.*

*Project is a subwatershed of the Yazoo River Watershed Project authorized under the Flood Control Act of 1944—(PL 78-534).

Lake Verret, Louisiana.
 Lost River, Indiana.
 McClellan Creek, Texas.
 McKay-Rock Creek, Oregon.
 Newland Creek, Montana.
 North Oconee River, Georgia.
 Pine Valley, Oregon.
 Pond Creek, Texas.
 Rocky Creek, Arkansas.
 Spadra Creek, Arkansas.
 St. Mary's River, Maryland.
 Tallaseehatchie Creek, Alabama.
 Upper Cibolo Creek, Texas.
 Upper Ouachita River, Arkansas.
 Upper Petit Jean, Arkansas.
 Upper Turtle River, North Dakota.
 West Branch, Westfield River, Massachusetts.

West Carroll, Louisiana.
 Wilson Creek, South Carolina.
 Pulpmill installation at Echo Cove, Alaska, August 12.

Ni River Watershed, Virginia, September 16.

Sanderson Canyon Watershed, Texas, September 21.

Mill Creek Watershed, West Virginia, October 14.

Clarence Cannon Memorial Watershed, Missouri, October 22.

Middle South Branch Forest River Watershed, North Dakota, October 22.

Cedar Creek Watershed, Georgia, October 23.

Oak-Middle Creek Tributaries of Salt Creek Watershed, Nebraska, October 26.

Application for Minerals Prospecting by the Phelps Dodge Corporation in the Blue Range Primitive Area, Apache National Forest, Arizona, November 5.

Statement on Little Bigby Creek Watershed, Tennessee, December 7.

Timber Management Practices on National Forests in West Virginia, December 11.

DEPARTMENT OF ARMY (CORPS OF ENGINEERS)

Contact: Frances X. Kelley, Assistant for Conservation Liaison (ENG PA-P), Office of Public Affairs, Office of Chief of Engineers (693-6329).

Draft

Title and Date

Flood Control Projects—Pre-authorized Studies:

Peyton Creek, Texas, November 25.
 Spring River and Tributaries, Missouri, Kansas, and Oklahoma, November 25.

Authorized Projects:
 West Kentucky Tributaries, Kentucky, January 14.

Final

Title and Date

Flood Control Projects—Pre-authorized Studies:

Four Mile Run, Virginia, October 20.
 Sabine River Basin, Texas and Louisiana, October 26.

Mill Creek, Ohio, November 3.
 Posten Bayou, Arkansas, November 5.
 Red Run Drain and Lower Clinton River, Michigan, November 6.

Arcadia, Oklahoma, November 6.
 Mississippi River, Winona, Minnesota, November 9.

Point Place, Ohio, November 9.
 Potomac River and Tributaries, Virginia, Maryland, Pennsylvania, West Virginia and District of Columbia, November 12.

Oahe Reservoir, Missouri River, North Dakota, no date.

Alabama—Coosa River, Selma, Alabama, November 13.

Arkansas—Red Rivers, Water Quality, Part II, Oklahoma, Texas, and Kansas, November 13.

Beals Creek, Big Spring, Texas, November 13.

Blue River, Kansas City, Missouri and Kansas, November 13.

Cottonwood Creek, California, November 13.

Des Moines River, Ottumwa, Iowa, November 13.

Eastern Rapides and South Central Avoelles Parishes, Louisiana, November 13.

Ellicott Creek, New York, November 13.

Fort Chartres and Ivy Landing Drainage District No. 5 and Stringtown Drainage and levee District No. 4, Illinois, November 13.

Frio River, Three Rivers, Texas, November 13.

Goleta and vicinity, California, November 13.

Jack and Simmerly Sloughs Area, California, November 13.

Kaneohe-Kailua, Oahu, Hawaii, November 13.

Marion, Kansas, November 13.

Merced County Streams, California, November 13.

Mississippi River, Davenport Iowa, and Moline, Illinois, November 13.

Mississippi River between Columbus and Hickman, Kentucky, November 13.

Placer Creek, Wallace, Idaho, November 13.

Portugues and Bucana Rivers, Puerto Rico, November 13.

Reedy River, Greenville, South Carolina, November 13.

Running Water Draw, Plainview, Texas, November 13.

San Luis Rey River, California, November 13.

Scajaquada Creek and Tributaries, New York, November 13.

Sheyenne River, North Dakota, November 13.

Snohomish River and Tributaries, Washington, November 13.

Souris River, North Dakota, November 13.

Steele Bayou Basin, Mississippi, November 13.

Streams in vicinity of Fairfield, California, November 13.

University Wash and Spring Brook, Riverside Co., California, November 13.

Warm Creek, California, November 13.

Wenatchee, Washington, November 13.

Western Tennessee Tributaries, Tennessee and Kentucky, November 13.

Wild Rice River, Minnesota, November 13.

Zintel Canyon, vicinity and Kennewick, Washington, November 13.

Authorized Projects:
 Bonneville, Washington and Oregon, September 28.

Harrisonville and Ivy Drainage, Illinois, November 2.

El Paso, Texas, November 9.

Ouachita River, Arkansas, November 18.

Crutcho Creek, Oklahoma, November 27.

Broad Creek, North Carolina, November 30.

Wood River, Illinois, December 2.

East St. Louis, Illinois, December 2.

Waurika Lake, Oklahoma, December 7.

Cache River Basin, Arkansas, December 7.

Ames Lake, Iowa, December 14.

Big Stone Lake—Whetstone River, Minnesota, December 18.

Pipestem Lake, North Dakota, December 18.

Guttenberg, Iowa, December 22.

Bloomington Lake, West Virginia and Maryland, December 24.

Sangamon River (Oakley Reservoir), Illinois, December 24.

Remedial work near the mouth of the Sangamon River (Oakley Reservoir), Illinois-Kaw Lake, Oklahoma, December 31.

Umatilla River, Oregon, January 14.

Little Rock Levee, Arkansas, January 14.

Turkey Creek, South Carolina, January 19.

Fremont, Ohio, January 19.

Gillham Lake, Arkansas, January 21.

LaFarge Lake, Wisconsin, January 25.

Lower Granite, Washington, January 28.

Navigation Projects: Preauthorized Studies:
 Frenchboro Harbor, Maine, November 3.

Dunkirk Harbor, New York, November 9.

Northport Harbor, Wisconsin, November 9.

Atlantic Intercoastal Waterway Bridges, North Carolina, November 13.

Baltimore Harbor, Maryland and Virginia, November 13.

Black River Harbor, Alcona Co., Michigan, November 13.

Calcasieu River, Devil's Elbow, Louisiana, November 13.

C & S Florida—Small Boat Navigation, Florida, November 13.

Columbia River and Tributaries, Washington, November 13.

Coos Bay, Oregon, November 13.

Delaware Bay—Chesapeake Bay WW, Delaware, Maryland, and Virginia, November 13.

East River, New York, November 13.

Edgartown Harbor, Massachusetts, November 13.

Freeport Harbor, Texas, November 13.

Galveston Harbor, Texas, November 13.

Geneva-on-the-lake, Ohio, November 13.

Hoonah Harbor, Alaska, November 13.

Humboldt Harbor, Alaska, November 13.

Ludington Harbor, Michigan, November 13.

Manteo (Shallowbag) Bay, North Carolina, November 13.

Metlakatla Harbor, Alaska, November 13.

Missouri River, North Dakota, South Dakota, and Nebraska, November 13.

Mobile Harbor, Alabama, November 13.

Murrells Inlet, South Carolina, November 13.

Nawiliwili Harbor, Hawaii, November 13.

New Jersey Coastal Inlet and Beaches, New Jersey, November 13.

Ottawa River Harbor, Michigan and Ohio, November 13.

Ouachita-Black Rivers Navigation Project, Arkansas and Louisiana, November 13.

Pamlico River and Morehead City Harbor, North Carolina, November 13.

Pleasant Bay, Massachusetts, November 13.

Port Sutton, Florida, November 13.

San Leandro Marina, Alameda Co., California, November 13.

Tampa Harbor, Florida, November 13.

Texas City, Texas, November 13.

Waukegan Harbor, Illinois, November 13.

Authorized Projects:
 Dredging and Water Quality Problems Great Lakes, March 18.

New Madrid Harbor, Missouri, August 27.

Replacement Lock and Dam No. 26, Illinois, October 2.

Tangipahoa River, Louisiana, November 18.

Kansas City, Kansas River, Kansas, (1962 modification) Project, December 2.

Harvey Canal—Bajou Bataria Levee, Louisiana, December 14.

Moline, Illinois, December 14.

Sergius and Whitestone Narrows, Alaska, December 24.

Cedar River Harbor, Michigan, December 30.

New Buffalo Harbor, Michigan, December 30.

Pithlachascotte River, Florida, January 13.

Adams Creek, South Carolina, January 19.

Cow Creek Channel, Kansas, January 22.

Beach Erosion Projects, Pre-authorized Studies:
 Corpus Christi Beach, Texas, November 13.

Lee County, Florida, November 13.

Lido Key, Florida, November 13.

North Shore of Long Island, New York, November 13.

South Shore of Lake Ontario, Ft. Niagara State Park, New York, November 13.

Tybee Island, Georgia, November 13.

Revere and Nantasket, Massachusetts, November 13.

Authorized Projects:
 Ocracoke Island, North Carolina, November 19.

Cliff Walk, Rhode Island, December 14.

Sunset Cliffs, California, January 12.

Proposed Harbor and Waterway Renewal Act of 1970, May 22.

Snettisham, Alaska, January 19.

DEPARTMENT OF DEFENSE (DEPARTMENT OF THE AIR FORCE)

Contact: Headquarters USAF (AFTREV)
Attn: Chief, Environmental Protection Group (OX 7-1147).

Final

Title and Date

Luke Air Force Base, Arizona (fighter training base), October 30.

DEPARTMENT OF DEFENSE (DEPARTMENT OF THE ARMY)

Contact: Director of Installations, Deputy Chief of Staff, Logistics, Department of the Army (694-8122).

Draft

Title and Date

Operation CHASE (Ocean Disposal of Concrete Vaults Containing Chemical Munitions), near Florida, July 30.

Biological Demilitarization, Colorado, Maryland, Arkansas, November 25.

Operation Red Hat, Johnston Island, December 31.

DEPARTMENT OF DEFENSE (DEPARTMENT OF THE NAVY)

Contact: Director, Environmental Protection Division, Department of the Navy—OPNAV45 (695-9793).

Draft

Title and Date

Underwater Demolition of Ordnance, near the Island of Culebra, Puerto Rico, December 28.

DEPARTMENT OF THE INTERIOR

Contact: Office of Information Public Queries (343-3172).

Draft

Title and Date

Colorado River Basin Pilot Project, December 14.

Trans Alaska Pipeline, January 12.
Black Mesa Coal Mining Operation, Arizona, January 13.

Navajo Black Mesa Coal Haul Railroad, Arizona, January 13.

Navajo—McCullough Transmission, Arizona, January 13.

Navajo—Phoenix Transmission System, Arizona, January 13.

Final

Title and Date

Yukon River-North Slope Road Alaska, March 20.

Dyke-Marsh—George Washington Parkway Land Exchange, Virginia, June 10.

Cancellation of Oil Leases and Creation of a National Energy Reserve in the Santa Barbara Channel, California, June 11.

Narrows Unit, Missouri River Basin Project, Colorado (H.R. 6715), June 19.

Closed Basin Division, San Luis Valley Project, Colorado (H.R. 17067), July 15.

Loan application by the Central Oregon Irrigation Project, Oregon, July 17.

St. Johns National Wildlife Refuge in Brevard County, Florida, August 14.

San Pablo Bay National Wildlife Refuge in Sonoma and Solano Counties, California, August 14.

Loan application by the Roy Water Conservancy Subdistrict, Utah, August 19.

Geothermal Steam and Associated Geothermal Resources (H.R. 2370, 7481, 9508; S. 368), August 31.

Management of the Pribilof Islands, Alaska, September 2.

A possible future sale of oil and gas leases off the Coast of Western Louisiana under the Outer Continental Shelf Lands Act, October 16.

Tehachapi-Cummings County Water District in California (Loan under the Small Reclamation Project Act of 1939), October 22.

Polecat Bench Area, Shoshone Extensions

Unit, Missouri River Basin Project, Wyoming, October 22.

Minot Extension of the Garrison Diversion Unit, Missouri River Basin Project, North Dakota (S. 2808, H.R. 16987), November 3.

Loan and grant applications by the Graham and Curtis Canal Companies, Arizona, November 27.

Revised Salmon Falls Division Upper Snake River Project, Idaho, December 21.

DEPARTMENT OF TRANSPORTATION

Contact: Michael S. Cafferty, Assistant Secretary for Environment and Urban Systems (426-4563).

Title and date.

Coast Guard Bridge Permit Applications: Application by the National Steel Corporation to build a bridge across the Ohio River from their plant in Weirton, West Virginia (Coast Guard), August 31.

Wills Hole Thorofare Crossing, Point Pleasant Beach, Ocean County, New Jersey (Coast Guard), September 22.

Vehicular Bridge over Ashley River and Dill Creek Charleston, South Carolina (Coast Guard), January 20.

FAA Airport Grants:

Atlanta, Georgia, October 28.

Lonesome Pine Airport, Wise County, Virginia, November 19.

Pender, Nebraska, December 1.

Plattsmouth, Nebraska, December 8.

Holdrege, Nebraska, December 10.

Fostoria, Ohio, December 31.

Clarion, Pennsylvania, December 31.

Fairfax County, Virginia, December 31.

Jekyll Island, Georgia, January 8.

Grand Junction, Colorado, January 8.

Ogallala, Nebraska, January 11.

Grove, Oklahoma, January 20.

Improvement of Navigation System Between the Strait of Juan de Fuca Ferndale, Washington (Coast Guard), December 22.

Use of lands from Leakin and Gwynn Falls Parks in Baltimore, Maryland, for I-70N, December 31.

Relocation of U.S. Route 20, Waterloo and Cedar Falls, Iowa, January 28.

Final

Title and Date

FHA 4(f) Statements:
Realignment of U.S. Route 90—Morgan City, Louisiana, May 1.

Relocation of State Route 237—Berea, Ohio, May 5.

Matter of U.S. Route 101—Ventura County, California, May 5.

Interstate 93—Franconia Notch, New Hampshire, May 20.

River Relief Route and I-81, Harrisburg, Pennsylvania, May 22.

Federal-aid Highway Project in Savannah, Georgia, June 4.

California I-5, Holiday Park, City of Carlsbad, June 16.

Grand Central Parkway-Alley Park, Queens County, New York, June 16.

Statement on Fort Niobrara National Wildlife Refuge, Cherry County, Nebraska, June 23.

Route to Corridor E of the Appalachian Highway System, Morgantown, West Virginia, July 2.

Montana, I-94, Request for use of parkland for highway purposes, July 15.

Tupper Lake, Adirondack Forest Preserve, New York, SR 30, September 2.

I-90 Summers Wildlife Management Area, Jackson Co., Minnesota, September 10.

I-80, Westwood Park, Sacramento County, California, September 15.

Ohio SR-261, Plum Creek Park in Kent, Ohio, September 15.

I-70, Genesse Park, West of Denver, Colorado, October 12.

SR 55, Charles W. Tewinkel Memorial Park, Costa Mesa, California, October 12.

I-80, Kerruish Park, Cleveland, Ohio, October 16.

Baer Field Expressway, Fort Wayne, Wyoming, October 20.

FAS 5735—County Road, Post Falls, Idaho, October 22.

SR-16—Octagon Park, Newark, Ohio, October 22.

I-88, Neawha Park, Oneonta, New York, October 22.

I-280, Newark (Essex Co.), New Jersey, October 28.

Cheney Park, Kingman County, Kansas (highway project), October 30.

US-169, Miami County, Kansas, October 30.

SR 14, Fenwick Island, Sussex Co., Delaware, October 30.

FAS Route 529, Phillips County, Kansas, November 6.

I-680, Village of Poland, Mahoning County, Ohio, November 6.

I-81, Warriors Path State Park, Sullivan County, Tennessee, November 13.

Burrstone Road Arterial Highway, City of Utica, New York, November 20.

SR S-1-A, Daytona Beach, Volusia County, Florida, November 20.

Northern Parkway, Chiquapin Park, Baltimore, Maryland, November 20.

Bergen Park, Sangamon County, Illinois, November 20.

I-5/SR 14, Fort Vancouver National Historical Site, Vancouver, Washington, November 23.

Mission Bay Park, Mission Bay Interchange, San Diego, California, November 30.

I-74, Mt. Airy Forest and Wayne Playground, Cincinnati, Ohio, December 3.

SR20, Fred Gannon State Park, Okaloosa County, Florida, December 3.

I5, Sickiyla County, California, December 7.

I-8, Glenclyff Campground, San Diego, California, December 15.

Route 6, Marion, Massachusetts, January 4.

State Route 429, Eastview Park, Mercer County, Celina, Ohio, January 4.

SU-684, Phil Foster Park, Riviera Beach, Florida, January 4.

FAS 946, Tumalo State Park, Deschutes County, Oregon, January 4.

I-90, Clear Lake Public Access, Jackson County, Minnesota, January 7.

SR M-99, Riverside Park, Lansing, Michigan, January 7.

SR 4, Washington Square Park, Stockton, California, January 7.

SR1, Westport Union Landing Beech State Park, Mendocino County, California, January 12.

SR-24, Franklin County, Russellville, Alabama, January 15.

I-95, Boynton Beach, Palm Beach County, Florida, January 18.

I-95, Dreker Park, West Palm Beach, Florida, January 18.

Pea Ridge National Military Park, Benton County, Arkansas for F-030-2, January 18.

Kansas Project I-35-3 (103), Coffey County, Kansas, Lebo Lake Recreation Area, January 19.

U.S. 341, Brunswick, Georgia, January 19.

SR-59 Ohio, Federal-aid project U-687 (13) in Kent, Portage County, Ohio, January 19.

FAA airport grants:

Laurel-Hattiesburg, Mississippi, Pine Belt Regional Airport, November 20.

Lexington, Mississippi, Holmes County, Lexington Municipal Airport, November 20.

Prentiss, Mississippi, Jefferson Davis County, Jefferson Davis Airport, November 20.

Pittsboro, Mississippi, Calhoun County, Airport, November 20.

Murray Field, Ureka, California, December 16.

Redding, California, December 16.

Bonifay, Florida, January 5.

Carrizzo, New Mexico, January 6.

Batesville, Arkansas, January 6.

Palmdale International Airport in California, June 12.

Highway Trust Fund Extension—Federal Aid Highway Act of 1970, August 12.

Patuxent River Bridge, Calvert County to St. Mary's County, Maryland, August 19.

Supersonic Transport Development Program, December 7.

Toll Bridge Permit Application; Southern Crossing, San Francisco, Bay (Coast Guard), January 5.

DEPARTMENT OF TREASURY

Contact: Richard E. Sliator, Assistant Director, Office of Tax Analysis (964-2797.)

Final

Title and Date

Statement on Effects of Proposed Environmental Control Tax on Lead in Motor Fuel Additives, June 4.

U.S. Mint Building slated for construction in Denver, Colorado, July 16.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Commission's Advisor on Environmental Quality (386-6084).

Draft

Title and Date

Statement on the Proposed Electric Power Environmental Policy Act of 1970, October 14.

Portland General Electric Co., Oak Grove License Project #139 Oregon, November 17.

Blue Ridge Project, Appalachian Power Co., Project #2317 Virginia, January 26.

Final

Title and Date

Consolidated Edison Company of New York, Cornwall Pumped Storage Project No. 2338, Opinion No. 584, August 20.

The Empire District Electric Company, Ozark Beach Project No. 2221, Missouri, November 23.

Pacific Gas and Electric Company, Tule and Little Tule Fall and Pit Rivers in Shasta County, California Project No. 2687, November 23.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator (343-6077).

Draft

Title and Date

Consolidated Federal Law Enforcement Training Center, Beltsville, Maryland, July 28.

Proposed transfer of property formerly a part of Fort Miley Military Reservation, California, November 27.

Don-Ce-Sar Building, St. Petersburg Beach, Florida, November 27.

Disposition of Border Field, San Diego County, California, January 14.

HOUSING AND URBAN DEVELOPMENT

Contact: Charles Orlebeke, Deputy Under Secretary (755-6960).

Alternate Contact: George Wright, Office of Deputy Under Secretary (755-8192).

Draft

Title and Date

Proposed Park Forest South New Community, Will County, Illinois, December 4.

Noise Abatement and Control; Dept. Policy Implementation Responsibilities and Standards, December 16.

St. Charles Communities (New community), Charles County, Maryland, December 18.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

(United States and Mexico)

Contact: Joseph F. Friedkin, Commissioner (915-532-5476); or Office of Mexican Affairs, Department of State (632-1317).

Draft

Title and Date

Presidio-Ojinaga International Flood Control Project, January 7.

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Albert P. Crary, Division Director, Environmental Sciences (632-4274).

Draft

Title and Date

National Hall Research Experiment, Colorado, December 11.

Winter Orographic Cloud Modification Experiment in the Rocky Mountains of Colorado, December 11.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development (615-755-2002).

Draft

Title and Date

Gas Turbine Peaking Plant Addition, Thomas Allen Steam Plant, Memphis, Tennessee, August 14.

New Lock—Pickwick Landing Dam, Tennessee, December 23.

SUMMARY OF 102 STATEMENTS FILED WITH THE COUNCIL, AS OF FEB. 1

	Draft statements ¹	Final statements ²	Total actions ³
BY AGENCY			
Agriculture.....	21	42	63
Appalachian Regional Commission.....	1	0	1
Army (Corps of Engineers).....	3	129	132
Atomic Energy Commission.....	22	14	36
Defense.....	4	1	5
Delaware River Basin Commission.....	1	0	1
Federal Power Commission.....	3	3	6
General Services Administration.....	4	0	4
Housing and Urban Development.....	3	0	3
Interior.....	6	17	23
International Boundary and Water Commission, United States and Mexico.....	1	0	1
National Science Foundation.....	2	0	2
Tennessee Valley Authority.....	2	0	2
Transportation.....	18	68	86
Treasury.....	2	0	2
Total.....	93	274	367
BY PROJECTS			
Airplanes.....	0	1	1
Airports.....	12	10	22
Beach erosion.....	0	10	10
Buildings/property.....	5	1	6
Bridges.....	3	2	5
Flood control.....	4	69	73
Forestry.....	2	3	5
Housing/urban problems.....	3	0	3
Insecticides/herbicides.....	3	0	3
Legislation.....	2	6	8
Meat inspection.....	1	0	1
Military disposal.....	4	0	4
Mining.....	3	2	5
Navigation.....	2	48	50
Nuclear industry.....	1	1	2
Nuclear testing.....	2	1	3
Oil.....	0	2	2
Parks, wildlife refuges.....	0	2	2
Pipeline.....	1	0	1
Power (nuclear).....	19	12	31
Power (nonnuclear).....	3	3	6
Power transmission.....	2	1	3
Railroads.....	1	0	1
Roads.....	2	55	57
Water resources.....	1	9	10
Watersheds.....	14	36	50
Weather modification.....	3	0	3
Total.....	93	274	367

BY PROJECTS

Airplanes.....	0	1	1
Airports.....	12	10	22
Beach erosion.....	0	10	10
Buildings/property.....	5	1	6
Bridges.....	3	2	5
Flood control.....	4	69	73
Forestry.....	2	3	5
Housing/urban problems.....	3	0	3
Insecticides/herbicides.....	3	0	3
Legislation.....	2	6	8
Meat inspection.....	1	0	1
Military disposal.....	4	0	4
Mining.....	3	2	5
Navigation.....	2	48	50
Nuclear industry.....	1	1	2
Nuclear testing.....	2	1	3
Oil.....	0	2	2
Parks, wildlife refuges.....	0	2	2
Pipeline.....	1	0	1
Power (nuclear).....	19	12	31
Power (nonnuclear).....	3	3	6
Power transmission.....	2	1	3
Railroads.....	1	0	1
Roads.....	2	55	57
Water resources.....	1	9	10
Watersheds.....	14	36	50
Weather modification.....	3	0	3
Total.....	93	274	367

¹ Draft statements for actions on which no final statements have yet been received.

² Final statements on legislation and actions.

³ Total actions on which final or draft statements for Federal actions have been received.

[From 102 Monitor, March 1971]

THE ARMY CORPS OF ENGINEERS—PROCEDURES FOR HANDLING 102 STATEMENTS

(Along with its listing of environmental impact statements received during the previous month, the 102 Monitor plans to describe the way particular agencies handle their environmental impact statements and the types of agency activity most often requiring statements.)

The Army Corps of Engineers deals with both military and civilian activities. Environmental impact statements for military projects are processed through the Department of Defense and are subject to the Defense Department's Section 102 procedures. These will be discussed in a future issue of the 102 Monitor.

The civil works of the Corps, on the other hand, are subject to their own Section 102 procedures (p. 3). Corps of Engineers civil works projects may involve any navigable waterway within the United States. The Corps has responsibility for the planning, design, construction, maintenance and operation of improvements to rivers, harbors and other waterways. These improvements are usually in the form of dams, locks, reservoirs, levees, hurricane protective structures, and channel and beach modifications in the interest of navigation, flood control, hydroelectric power, outdoor recreation, fish and wildlife, water supply and water quality improvement.

The annual Corps budget for these types of civil works projects is around \$1.3 billion.

As of 2/28/71, the Corps had filed 137 final 102 statements with the Council and 20 draft statements were pending for Federal and state agency comments. This is roughly one-third of the total number of statements received from all agencies. These statements fit into four categories: flood control projects, beach erosion projects, navigation projects and proposed legislation. In addition, the Corps will from time to time file environmental statements on certain of the dredge and fill and Refuse Act permits they issue under the Rivers and Harbors Act of 1899 and on legislation where the Corps is the principal agency affected.

The Corps of Engineers procedures for developing and handling their own 102 statements are among the most carefully developed of any agency. Even prior to the Council's revised guidelines, the Corps generally made draft statements available to the public.

The Corps is divided into 11 divisions covering 36 districts (map, p. 24). Each district office mails public notices of all projects being planned to interested groups in their district. If you wish to be on such a mailing list, contact your district office (p. 25). Corps procedures call for public meetings to be held during the planning and formulation of projects and at other times when they will be useful in obtaining views of interested organizations and citizens.

If you think that a 102 statement should be filed for a particular project, or if you feel that a statement that has already been filed is inadequate, write first to the District Engineer with a copy to the Division Engineer for the district. If there is still a problem, contact the Chief of Engineers with a copy, if desired, to the Council on Environmental Quality.

INVESTIGATION, PLANNING AND DEVELOPMENT OF WATER RESOURCES PREPARATION AND COORDINATION OF ENVIRONMENTAL STATEMENTS

(Circular No. 1120-2-56, expires March 31, 1971)

1. **Purpose.** This circular provides guidance for preparation and coordination of Environmental Statements as required by Section 102(2)(C) of the National Environmental Policy Act of 1969 (PL 91-190).

2. **Applicability.** This circular applies to

all elements of the Corps of Engineers with civil works responsibilities for planning, development and management of water resource developments.

3. References.

(a) National Environmental Policy Act of 1969 (PL 91-190) (83 Stat. 852).

(b) EC 1165-2-84, National Environmental Policy Act of 1969, March 3, 1970.

(c) EC 1165-2-85, "Budget Material in Response to the National Environmental Policy Act of 1969 for Authorized Projects," April 22, 1970.

(d) EC 1165-2-86, "National Environmental Policy Act of 1969," April 30, 1970.

(e) Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970 (35 F.R. 4247, March 7, 1970) (Copy attached to Appendix A).

(f) Interim Guidelines for Environmental Statements, Council on Environmental Quality, April 30, 1970 (35 F.R. 7390, May 12, 1970) (Inclosed as Appendix A).

(g) ENG CW-C M/L, June 2, 1970, subject, "Environmental Policy."

(h) ENG GC-J M/L, 9 July 1970, subject, "Utilization of Attorneys in the Implementation of Section 102(2)(C) of the National Environmental Policy Act of 1969 (PL 91-190)".

(i) EC 1120-2-55, "Public Meetings in Planning," 1 September 1970.

4. Discussion. Review of draft environmental statements has resulted in a better understanding of the scope and detail of information needed to properly present environmental consideration inherent in project proposals. Additional emphasis and clarification of several areas can make the statements more meaningful for review and decision making.

(a) Statements should describe physical and environmental aspects sufficiently to permit evaluation and independent appraisal of the favorable and adverse environmental effects of each proposal. They should be simple and concise, yet should include all pertinent facts. Length would depend upon the particular proposal and the nature of its impacts and the environmental setting.

(b) Statements should be submitted as a separate document, not as an inclosure or appendix to other documents such as pre-authorization studies or design memorandums. Such reports and design memorandums must contain adequate background information to support fully the reporting officer's conclusions and recommendations on environmental matters. The statements should not be construed as a further means for assisting or supporting project justification.

(c) Statements should not be limited to ultimate conclusions, but should demonstrate that the Corps has adequately considered the potential impact of the proposal upon the environment. The statement should summarize information and cite sources of overall appraisals which are based upon judgments of complex matters (e.g., water quality by FWQA).

(d) Statements should include and comment on the views of those opposing the proposal for environmental reasons, if any. The summarized views of agencies having environmental responsibilities, and with which the proposals have been coordinated, should also be included.

(e) The statement should include a full and objective appraisal of the environmental effects, good and bad, and of available alternatives. In no case will adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

(f) Statements should discuss the proposal's impact on environmental resources of regional significance whenever the impact extends beyond the immediate area. For example, if anadromous fish spawn in the project area, discuss the relationship of the pro-

posal to the anadromous fishery of the basin or region.

(g) Statements should discuss significant relationships between the proposal and other developments (existing and authorized). For example, a statement on a project which would convert a free-flowing section of a stream into a reservoir should contain information on the amount of flowing and flat water available in the area.

(h) Where possible, the statements should show an indication of the magnitude of the effect including short-term changes. This may include changes in flow in cfs for both peak and low-flow periods or changes in dissolved oxygen or temperature, which are key parameters for measuring water quality, and other factors vital to the ecology of the area.

(i) During preparation and review of these statements, the services of District and Division General Counsels are to be utilized to insure that statements are responsive legally to the requirements of the Act.

5. Planning Relationships.

(a) In the development of new projects or proposals, the rationale of the environmental statement and assessment of environmental considerations will be integrated into the planning process from the beginning. Preliminary identification and assessment of possible environmental impacts and effects will be made and fully discussed at the Checkpoint I conference or comparable early milestone in the study. When kept current, such an environmental assessment can provide valuable assistance in the investigation and study process.

(b) Beginning with the second public meeting or formulation stage meeting (reference EC 1120-2-55), all anticipated environmental impacts and effects of each solution under consideration will be identified and discussed. This may entail the preparation of an environmental information section or inclosure to the public meeting announcement in order to generate meaningful and thorough discussion during the meeting. Views of interested citizens and citizen groups will be sought and considered. At the third or late stage public meeting, the environmental discussion regarding the proposal and alternatives will be specific and thorough regarding the environmental impacts and effects.

(c) On projects which were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the range of alternatives and the opportunity to study and evaluate them may be more limited. However, to the maximum extent feasible, alternative solutions and opportunities for environmental enhancement, preservation, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, reporting officers will carefully examine and evaluate the environmental impact of all reasonable alternatives in coordination with appropriate Federal, state and local agencies prior to preparing a recommendation or an environmental statement.

6. Environmental Statements. The "Interim Guidelines" of the Council on Environmental Quality, Appendix A, and the guidance contained in Appendix B will be considered in preparing environmental statements, using the prescribed format.

7. Coordination of Statement. Coordination of the statement with Federal, state and local agencies, as well as organized citizen groups, will be in accordance with existing regulations and paragraph 7 of EC 1165-2-86 and the following clarification:

(a) General Considerations. Coordination with responsible agencies will include transmittal of preliminary draft environmental statements for their review and comment. Upon receipt, agency comments will be reviewed and, where appropriate, summarized

in the statement. Copies of the agency comments will be included as an attachment to the statement when forwarded for further action. The agency comments and the views expressed should be no older than twelve months for new proposals nor older than three calendar years for previously authorized projects. More recent coordination will be required if significant changes in the proposal or in the associated environment have occurred in the meantime.

(b) Survey Reports.

(1) Reporting officers will prepare a preliminary draft environmental statement for concurrent review with the draft report as part of the field coordination and agency review process. This statement may be provided, upon request, for review and comment to interested citizen groups and to groups which have actively participated in the project study. When transmitting the statement, information as to the status of proposals and alternatives under consideration must be clearly set forth, including the intent of the reporting officer to consider the views of all interested agencies, groups, and citizens prior to the forwarding of his recommendation and statement to higher authority.

(2) The preliminary draft statement, after appropriate modification resulting from field review and coordination, will be submitted to the Division Engineer concurrently with the District Engineer's report and recommendations. The Division Engineer will prepare the draft statement at the time he makes his recommendations and issues public notice. The draft statement may be provided interested agencies, groups and citizens. In certain cases, where critical and sensitive environmental effects and widespread public concern have been identified, the Division Engineer will request pre-announcement clearance. Requests will be supported by full recitation of the problems at issue with analysis of the pros and cons of the proposed and alternative courses of action.

(3) Formal departmental level review and coordination of the draft environmental statement with appropriate Federal and state agencies will be obtained by the Chief of Engineers through existing report review procedures.

(c) Studies Under Continuing Authorities. Reporting officers will accomplish all phases of coordination and review with responsible Federal, state and local agencies at field level. Coordination will include the inclusion of a draft environmental statement for agency review and comment. Copies of the draft statements will be furnished OCE, attention ENG CW-P for further processing concurrently with submission of detailed project reports. Draft statements may be provided to interested citizen groups as described in paragraph 7(b)(1) above.

(d) Authorized Projects. During pre-construction planning process the environmental statement will be kept current. Prior to submission of the General Design Memorandum, the environmental statement will be revised and updated to reflect DM recommendations. This updated statement will be coordinated with responsible Federal, state and local agencies at field level and will accompany the General Design Memorandum for further action.

For the Chief of Engineers:

J. B. NEWMAN,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

Two Appendices: APP A—Interim Guidelines for Environmental Statements (CEQ)*

* Note: Appendix A, the Interim Guidelines of the Council on Environmental Quality, is not reprinted here. Proposed revised guidelines were included in Vol. 1, No. 1 of the 102 Monitor (p. 11).

and APP B—Preparation of Environmental Statements.

APPENDIX B: PREPARATION OF ENVIRONMENTAL STATEMENTS

(EC 1120-2-56, September 25, 1970)

1. *General.* Preparation of environmental statements will be based on considerations discussed in EC 1120-2-56, the CEQ Interim Guidelines and the detailed guidance to follow. These directions are intended to assure consistency of effort in preparing statements and are not proposed to induce unthinking uniformity or limit flexibility when preparing the statements. These statements have several levels of importance with reference to the decision-making process, Corps relations with the public, and internal project planning activities. A careful, objective detailing of environmental impacts, alternatives, and implications of a proposed project should give reviewers both within and outside the Corps insight into the particular trade-offs and commitments associated with the action. The general public, environmental action groups, trade and special interest associations, governmental agencies, and Congressional Committees will all expect the statements to be a valid source of information on project effects, as well as a reflection of how the agency views environmental factors and seeks to accommodate them. Since the statements must be made available to the public and may receive broad exposure in the media, it can be assumed that they will receive careful scrutiny. Most importantly, preparation of the statements should cause systematic consideration of environmental impacts. An imaginative evaluation of alternatives and their implications should begin in the earliest stages of project formulation, with planners contemplating the criteria and range of information to be employed in preparation of final statements.

2. *Working Papers.* In order to assure a comprehensive treatment of environmental concerns, a check list of pertinent environmental elements should be compiled by the environmental planners. A discussion of these elements should establish their importance, placing emphasis on whether they are unique, endangered, old, popular, etc.—in essence, explore the ecological, aesthetic, cultural and other values which appear to make the elements environmentally significant. The manner in which economic considerations affect those values should also be discussed. For projects on which initial formulation has been completed, much of the information needed to characterize the elements may already be contained in existing survey documents, design memoranda and project files. Conversely, the organization of working papers at an early stage in the planning process will assist in subsequent survey studies and post-authorization design. Planners should keep abreast of current literature and information sources to aid in compiling environmental data (see "Perspectives in Environmental Planning," OCE publication, April 1970).

3. *Environmental Elements.* Logical categories and sample elements for the working papers follow.

(a) Geological elements: land forms (mountains, canyons), rock and mineral features, paleontologic items (fossils), structures (faults, synclines).

Related: soils, erosion, strip mined areas, caves.

(b) Hydrological elements: lakes, reservoirs, estuaries, rivers, subsurface water, marshes, valley storage, spring.

Related: turbidity, pollutants, aquifer recharge areas, surf.

(c) Botanical elements: trees, shrubs, aquatic plants, microflora.

Related: seasonal colors, virgin forests.

(d) Zoological elements: mammals, birds, amphibians, fish, shellfish, microfauna.

Related: migration routes, breeding characteristics.

(e) Archeological/historical/cultural elements: ruins, artifact sites, ghost towns, battlefields, cemeteries, festival sites, ethnic colonies.

(f) Miscellaneous elements: scientific areas, National parks or forests, hunting clubs, wildlife refuges, contemporary human features (buildings, transportation systems).

It should be noted that the elements under the last two categories are relevant to the human environment and are not strictly environmental in nature. Their consideration is essential to assure treatment responsive to the full concern of the NEPA.

4. *Format.* Environmental statements will constitute a separate document from other Corps papers. It will include a cover sheet and be prepared on plain bond without letterhead. The cover sheet identifying the project will contain the following:

Date, Environmental Statement, Official Project Name, associated water feature, State, prepared by U.S. Army Engineer District or Division, City, State.

5. *Content of Statement.* The body of environmental statements will contain the following eight separate sections (and attachment containing coordination letters) with the length of each being adequate to identify and develop the required information.

(a) *Project description.* Describe the proposal by name, specific location, purposes, authorizing document (if applicable), current status, and benefit-cost ratio. Generally delineate the project purpose and what the plan of the proposal entails.

(b) *Environmental setting* without the project. Describe the area, the present level of economic development, existing land and water uses, and other environmental determinants. Discuss the environmental setting without focusing only on the immediate area at the risk of ignoring important regional aspects critical to the assessment of environmental impacts. It is possible and often desirable to treat the project setting in relation to river basins, watersheds or functional ecosystems. Discuss the interrelations of projects and alternatives proposed, under construction or in operation by an agency or organization.

(c) *The environmental impact of the proposed action.*

(1) Identify environmental impacts, viewed as changes or conversions of environmental elements which result from the direct and indirect consequences of the proposed action. A thoughtful assessment of the environmental elements under both a "with" and "without the project" condition should aid in determining impacts. For example, the filling of a portion of the wetlands of an estuary would involve the obvious conversion of aquatic/marsh areas to terrestrial environments, the loss of wetland habitats and associated organisms, a gain in area for terrestrial organisms, a change in the nutrient regime of the runoff water entering that portion of the estuary, alteration of the hydrology of some given area, perhaps the introduction of buildings or roads, curtailment of certain commercial uses, disruption of water-based recreational pursuits, conversion of wildland aesthetics to less-pristine attributes, perhaps the removal of some portion of popular duck hunting grounds or unique bird nesting area, etc. Such impacts shall be detailed in a dispassionate manner to provide a basis for a meaningful treatment of the trade-offs involved. Quantitative estimates of losses or gains (e.g. acres of marshland, number of ducks nesting or harvested) will be set forth whenever practicable.

(2) Discuss both the beneficial and detrimental aspects of the environmental changes or conversions placing some relative value on the impacts described. A distinction should be observed here, whereby the impacts (changes) were initially detailed without making value judgments while at this point are discussed in terms of their effects (who or what is affected by the changes). Identify the

recipient (environmental element, interest group, industry, agency) of these effects and the nature and extent of the impacts on them. Discuss these effects and the nature and extent of the impacts on them. Discuss these effects not only with reference to the project area, but in relation to any applicable region, basin, watershed or ecosystem. In the example given, the loss of wetland might have relevance to different areas depending on the uniqueness of the filled area, the developmental plans and state of adjacent and regional wetlands, and the extent of the secondary effects of the filling (alteration of estuarine salinity wedge, sedimentation effects on adjacent shellfish, the modification of the surficial and groundwater hydrology of contiguous marsh and upland areas, etc.).

(3) Identify remedial, protective, and mitigation measures which would be taken in response to adverse effects of environmental impacts. Such measures taken for the minor or short-lived negative aspects of the project will be discussed in this section. The adverse effects which cannot be satisfactorily dealt with will be considered in greater detail along with their abatement and mitigation measures in the following section.

(d) Any adverse environmental effects which cannot be avoided should the proposal be implemented. Discuss the unavoidable adverse effects and the implications thereof, and identify the abatement or mitigation measures proposed to rectify these and the extent of their effectiveness. The loss of a given acreage of wetland by filling may be mitigated by purchase of a comparable land area, but this does not eliminate the adverse effect. Certainly the effects on the altered elements will not disappear simply because additional land is purchased. Identify the nature and extent of the principal adverse effects and the parties affected. For example, the effects of the filled wetland might include the loss of shellfish through sedimentation actions (turbidity and burial), the loss of organisms through the leaching of toxic substances from polluted marsh sediments used in the fill, the loss of a popular/valuable waterfowl census site in the estuary or the burial of ancient Indian midden sites of indeterminate archeological value. Present and comment on the objectives of all concerned parties.

(e) *Alternatives to the proposed action.* Describe the various alternatives considered, their general environmental impact, and the reason(s) why each was not recommended. Identify alternatives as to their beneficial and detrimental effects on the environmental elements, specifically taking into account the alternative of no action. This latter alternative requires a projection of the future environmental setting if the project is not accomplished. Discuss both natural and man-induced changes. Discuss economically justified alternatives predicated upon standard evaluation methods, but additionally, insofar as possible, identify and evaluate other ways of providing functions similar to those provided by the proposed project but which were specifically formulated with environmental quality objectives in mind. For example, the environmental trade-offs involved in filling the marsh would be different for alternatives such as: utilizing an inland site rather than filling in the marsh, hauling fill material from an upland borrow pit rather than dredging it from the estuary, or providing construction on piles or floats rather than on fill material.

(f) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. The propriety of any action should be weighed against the potential for

damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosure of future options or needs. It is appropriate to make such evaluations on land-use patterns and development, alterations in the organic productivity of biological communities and ecosystems and modifications in the proportions of environmental components (water, uplands, wetland, vegetation, fauna) for a region or ecosystem. For example, if a coastal marsh is extensively filled, the ability of an associated estuary to support its normal biota might be seriously impaired. Altered sediment, nutrient and biocide additions to the waters might well affect the inherent biological productivity of the estuary. In other words, if the estuary's marshes are modified enough to affect basic estuarine processes, certain of the amenities, biota, products, industry and recreation opportunities could be lost. The long-term implications of these changes are directly related to the degree that the losses are sizeable or unique.

(g) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in the ecosystem, and other effects that would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented. For example, in filling a marsh there could be a number of potential irreversible or irretrievable effects. The particular aquatic habitat filled in the marsh would be permanently lost for aquatic organisms and fill would be removed from one area and deposited in another.

(h) Coordination with other agencies. List all government and private entities with whom coordination has been accomplished, as well as a discussion of public participation efforts and specific coordination measures with environmental interests. All views expressed, both pro and con, concerning the environmental effects of the proposal should be summarized, identified, and included. When formal coordination measures have been accomplished, a copy of all comments received concerning the proposal will be attached to the statement. If formal comments are not included, state what coordination measures have been taken and the resultant comments.

The Corps of Engineers issued an earlier interim version of their internal procedures for handling 102 statements on April 30, 1971. The following sections of that earlier statement remained unchanged, and should be considered as still valid, and as an implied part of the September 25 procedures.

6. Agency Actions Requiring Statements.

(a) Recommendations or reports to the

Congress on proposals for legislation affecting Corps of Engineers programs including proposals to authorize projects.

(b) Recommendations or reports on proposals for authorization of projects by the Chief of Engineers or the Secretary of the Army except for emergency measures under PL 99.

(c) Initiation of construction or land acquisition on projects which are not yet started for which funds have been appropriated or are provided by the FY 1971 Appropriation Act.

(d) Budget submissions requesting funds for the initiation of construction or real estate acquisition on authorized projects. (See 7c(2) below).

(e) Budget submissions requesting funds for continuation of construction or for operation and maintenance of projects whenever there are unresolved conflicts concerning alternative uses of available resources. For items for which funds are requested for FY 1972, statements will be prepared on projects on which there are known unresolved conflicts. However, prior to initiation of submissions for FY 1973, all authorized projects and all projects under Federal operation and maintenance will be reviewed, in consultation with Federal, State and local agencies which are authorized to develop and enforce environmental standards. Submissions will contain a notation that there are no unresolved conflicts or will include the statement required by Section 102(2) (C) of PL 91-190.

(f) Issuance of permits for structures, dumping, and other actions in navigable waters of the United States whenever any of the Federal, State, or local agencies which are authorized to develop and enforce environmental standards certify or the District Engineer determines that the action which it is proposed to permit would result in significantly and adversely affecting the quality of the human environment . . .

7. For permit applications. As required by existing regulations, permit applications will be coordinated with Federal, State and local agencies which are authorized to develop and enforce environmental standards, unless granting of the permit could not possibly lead to adverse environmental effects. In addition, the responsible Federal official will carefully evaluate the impact on the environment of the proposed action. Objections from such agencies or from the responsible official will be presented to the applicant who will be given the opportunity to explain, withdraw, or modify his application so as to remove the cause for the objection. If the agency maintains its objection and certifies or if the responsible official determines that granting the permit would lead to significant environmental degrada-

tion and certifies or if the responsible official addressed (normally the District Engineer) will prepare the statement required by Section 102(2) (c) of PL 91-190. He may require the applicant to furnish the information required for preparation of the statement in addition to any information the applicant may wish to furnish in order to demonstrate that granting of the permit is in the public interest. The officer will furnish a summary of the information on which his statement is based to the public in the Notice of Public Hearing and at the hearing, if one is held. In addition, he will forward the statement with other pertinent documents when the application is forwarded for review and approval.

ADDITIONAL PROCEDURAL INFORMATION

The following circulars, which explain some areas of Corps of Engineers procedures for handling 102 statements in greater detail, are available on request. Write: Department of the Army, Office of the Corps of Engineers; Washington, D.C. 20314.

Circular No. 1120-2-62: 18 November 1970. Expires 30 September 1971. "Investigation, Planning and Development of Water Resources." This circular reiterates and emphasizes the need to resolve policy problems and assure the adequacy of environmental considerations in the execution of Civil Works planning studies.

Circular No. 1165-2-91: 30 September 1970. Expires 30 June 1971. "Water Resource Policies and Authorities." This circular is to specify the reporting requirements with respect to implementation of Section 102(2) (C) of PL 91-190 for authorized projects of which Federal funds are being expended for Operation and Maintenance activities including navigation, local protection, flood control lakes, multiple-purpose lakes, locks and dams, and also protection of navigation, general regulatory functions, Section 3, Act of 1945, projects, removal of wrecks, and projects authorized under Section III of Act of 1968.

Circular No. 1110-2-109: 15 June 1970. Expires 30 June 1971. "Engineering and Design. Environmental Considerations in Construction Contracts." This circular furnishes guidance in preparation of plans and specifications to protect environmental qualities during construction of water resource development projects.

Circular No. 11-2-60: 6 May 1970. Expires 30 June 1971. "Army Programs. Civil Works Funding and Personnel Requirements due to the National Environmental Policy Act of 1969." This circular calls for inclusion in budget data prepared for the Fiscal Year 1972 budget of any increased funding requirements and personnel spaces necessary to implement the National Environmental Policy Act of 1969.

CORPS OF ENGINEERS DIVISION AND DISTRICT OFFICERS

Organization	Area code and telephone number		Officer in charge	Office hours
	Duty hours	Non-duty hours		
U.S. Army Engineers Division, Huntsville: Mail address: P.O. Box 1600, West Station, Huntsville, Ala., Office location: 106 Wynn Dr., Huntsville, Ala.	205 895-5460, * 895-5150	837-6515	Maj. Gen. Robert P. Young	0745-1630 CST
U.S. Army Engineers Division, Lower Mississippi Valley: Mail address: P.O. Box 80, Vicksburg, Miss., Office location: Corner Crawford and Walnut Sts., Vicksburg, Miss.	601 636-1311 X-201, * 636-1311	636-4248	Maj. Gen. A. P. Rollins, Jr.	0800-1645 CST
U.S. Army Engineers, Waterborne Commerce Statistics Center: Mail address: Post Office Box 6128C, New Orleans, La.	504 865-1121, X-323	282-2835	Charles J. Huard	0745-1615 CST
U.S. Army Engineers, Memphis: 668 Federal Office Bldg., Memphis, Tenn.	901 534-3221	397-7501	Col. John V. Parrish	0745-1630 CST
U.S. Army Engineers, New Orleans: Mail address: Post Office Box 60267, New Orleans, La. Office location: Foot of Prytania St., New Orleans, La.	504 865-1121 X-200, * 865-1121	865-1041, 861-2203	Col. Herbert R. Haar, Jr.	0800-1630 CST
U.S. Army Engineers District, St. Louis: 906 Olive St., St. Louis, Mo.	314 268-2821, * 268-2817	618 452-7300 X-633	Col. Carroll N. LeTellier	0800-1645 CST
U.S. Army Engineers District, Vicksburg: Mail address: Post Office Box 60, Vicksburg, Miss. Office location: USPO and Courthouse Bldg., Vicksburg, Miss.	601 636-1311 X-401, * 636-1311	636-7111	Col. John W. Brennan	0800-1700 CST

Footnotes at end of table.
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CORPS OF ENGINEERS DIVISION AND DISTRICT OFFICERS—Continued

Organization	Area code and telephone number 1		Officer in charge	Office hours
	Duty hours	Non-duty hours		
U.S. Army Engineer Division, Mediterranean: APO N.Y. 09019 (Leghorn, Italy). Telephone: Call switchboard HQ 8th Logistical Command (Camp Darby), Livorno (Leghorn), Italy, Military Circuit, place call through Heidelberg, Germany Military, Ask for Camp Darby Military Civil Circuit, Civil number Livorno (Leghorn), Italy 93001 (Camp Darby switchboard).	57100 X-8305, X-8306	56018, 37663	Col. E. L. Waddell, Jr.	0800-1700 CMT
U.S. Army Liaison Detachment, 26 Federal Plaza, New York, N.Y.	212 264-0215, 264-3311	YE 2-9779	Lt. Robert J. Danylo	0830-1700 EDT
U.S. Army Engineer District, Saudi Arabia: APO (Riyadh, Saudi Arabia) New York	Muraba 270		Col. Robert W. Reischer	0730-1630 Saturday to Wednesday GMT and 3
U.S. Army Engineering Division, Missouri River: Mail address: P.O. Box 103, Downtown Station, Omaha, Nebr. Office location: USPO and Courthouse, 215 North 17th St., Omaha, Nebr.	402 221-1221 X-3001, 221-1221	453-0202	Brig. Gen. J. W. Morris	0800-1630 CST
U.S. Army Engineering District, Kansas City: 700 Federal Office Bldg., 601 E. 12th St., Kansas City, Mo.	816 374-3201, 374-3896	913 649- 6086	Col. Reuben L. Anderson, Jr.	0745-1630 CST
U.S. Army Engineering District, Omaha: 7410 USPO and Courthouse, 215 North 17th St., Omaha, Nebr.	402 221-3900, 221-1221	453-0202	Col. Billy P. Pendergrass	0745-1630 CST
U.S. Army Engineering Division, New England: 424 Trapelo Road, Waltham, Mass.	617 894-2400 X-220, 894-2400	894-2404	Col. Frank P. Bane	0800-1630 EST
U.S. Army Engineer Division, North Atlantic: 90 Church St. New York, N.Y.	212 264-7101, 264-3311	269-2491	Maj. Gen. Charles M. Duke	0830-1700 EST
U.S. Army Engineer District, Baltimore: Mail address: P.O. Box 1715, Baltimore, Md. Office location: 31 Hopkins Plaza, Baltimore, Md. Baltimore Harbor, Supervisor of: Post Office Box 1715, Baltimore, Md.	301 962-4545, 962-3311	677-5702	Col. W. J. Love	0815-1645 EST
U.S. Army Engineer District, New York: 26 Federal Plaza, New York, N.Y.	310 962-4545, 962-3311	962-4545, 825-8946	Col. William J. Love	0800-1645 EST
New York Harbor, Supervisor of: 26 Federal Plaza, New York, N.Y.	212 264-0100, 264-3311	825-1641	Col. James W. Barnett	0815-1700 EST
U.S. Army Engineer District, Norfolk: Fort Norfolk, 803 Front St., Norfolk, Va.	212 264-0100, 264-3311	201 433-6110	Col. James W. Barnett	0730-1715 EST
Norfolk Harbor, Supervisor of: Fort Norfolk, 803 Front St., Norfolk, Va.	703 625-8201 X-231, 625-8201	622-7043	Col. James H. Tormay	0800-1630 EDT
U.S. Army Engineers District, Philadelphia: U.S. Custom House, 2d and Chestnut St., Philadelphia, Pa.	703 625-8201	622-7043	Col. James H. Tormey	0800-1630 EST
U.S. Army Engineers Division, North Central: 536 S. Clark St., Chicago, Ill.	215 597-4848, 597-3311	649-5702	Col. James A. Johnson	0800-1645 EST
U.S. Army Engineers District, Buffalo: 1776 Niagara St., Buffalo, N.Y.	312 353-6310, 353-6385	646-2183	Brig. Gen. William W. Watkin, Jr.	0800-1630 CDTL
U.S. Army Engineer District, Chicago: 219 S. Dearborn St., Chicago, Ill.	716 876-5454, X-12, 876-5454, X-34	876-5454 X-34	Col. Ray S. Hansen	0800-1630 EST
U.S. Army Engineer District, Detroit: Mail address: P.O. Box 1027, Detroit, Mich.	312 353-6400, 353-6405, 353-6406	646-2183	Col. William G. Stewart	0815-1645 CST
U.S. Army Engineer District, Rock Island: Clock Tower Bldg., Rock Island, Ill.	313 963-1261 X-412, 963-1261	568-2840	Col. Myron D. Snoko	0800-1630 EST
U.S. Army Engineer District, St. Paul: 1210 U.S. Post Office and Customhouse, St. Paul, Minn.	309 788-6361 X-224, 788-6361	762-0658	Col. James E. Bunch	0800-1700 CST
U.S. Army Engineer District, Lake Survey: 630 Federal Bldg. and U.S. Courthouse, Detroit, Mich.	612 725-7501, 725-7506	922-7018	Col. Charles I. McGinnis	0745-1630 CDT
U.S. Army Engineers Division, North Pacific: Mail address: 210 Customhouse, Portland, Ore. Office Location: 220 SW. 8th St., Portland, Ore.	313 226-6161, 226-6161	568-2840	Lt. Col. James M. Miller	0800-1630 EST
U.S. Army Engineer District, Alaska: Post Office Box 7002, Anchorage, Alaska	503 226-3361 X-2500, 226-3361	645-1077	Brig. Gen. Roy S. Kelley	0800-1645 PDT
U.S. Army Engineer District, Portland: Mail address: Post Office Box 2946, Portland, Ore. Office location: 2850 SE. 82nd Ave., Portland, Ore.	907 752-9114 279-1132	863-6256	Col. A. C. Mathews	0730-1630 AST
U.S. Army Engineer District, Seattle: 1519 Alaskan Way, South, Seattle, Wash.	503 777-4441 X-200, 771-4441	771-1305	Col. Paul D. Triem	0800-1645 PDT
U.S. Army Engineer District Walla Walla: Bldg. 602, City-County Airport, Walla Walla, Wash.	206 682-2700 X-300, 682-2700	682-2700	Col. Howard L. Sargeant	0800-1630 PST
	509 525-5500 X-100, 525-5500	525-3178	Col. Richard M. Connell	0730-1615 PST

Footnotes at end of table.

Organization	Area code and telephone number ¹		Officer in charge	Office hours
	Duty hours	Non-duty hours		
U.S. Army Engineer Division, Ohio River: Mail address: P.O. Box 1159, Cincinnati, Ohio Office location: 550 Main St., Cincinnati, Ohio	513 684-3002 # 684-3001	561-2085	Maj. Gen. W. L. Starnes	0800-1630 EST
U.S. Army Engineer District, Huntington: Mail address: P. O. Box 2127, Huntington, W. Va. Office location: 502 8th St., Huntington, W. Va.	304 529-2318 X-253, # 529-2318	525-8332	Col. Maurice D. Roush	0800-1645 EST
U.S. Army Engineer District Louisville: Mail address: Post Office Box 59, Louisville, Ky. Office location: 500 Federal Pl., Louisville, Ky.	502 582-5601 # 582-5011	812 282-8961 X-3238	Col. John T. Rhett, Jr.	0800-1645 EDT
U.S. Army Engineer District, Nashville: Mail address: Post Office Box 1070, Nashville, Tenn. Office location: 306 Federal Office Bldg., Nashville, Tenn.	615 242-8321 X-5626, # 242-8321	242-2769 352-2871	Col. John C. Bell	0730-1615 CDST
U.S. Army Engineer District, Pittsburgh: Mail address: 1828 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. Office location: Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa.	412 644-6800 # 644-3311	366-0947	Col. E. C. West	0730-1600 EST
U.S. Army Engineering Division, Pacific Ocean: Bldg. 96, Ft. Armstrong, Honolulu, Hawaii	808 543-2615, 422-0521	543-2936	Col. George Fink	0730-1600 HST
U.S. Army Engineering District, Far East: APO, San Francisco, Calif.	2917-300, 2917-360, (Seoul, Korea)	293-4182	Col. Wesley Peel	0800-1700 KST
U.S. Army Engineering District, Okinawa: APO, San Francisco, Calif.	51246	Okinawa 3-5235	Col. Franklin R. Day	0745-1630
U.S. Army Engineering Division, South Atlantic: 510 Title Bldg., 50 Pryor St., SW, Atlanta, Ga.	404 526-6711, # 526-0111	233-7837	Maj. Gen. Richard H. Free	0745-1630 EDT
U.S. Army Engineering District, Canaveral: Mail address: P.O. Box 21065, Kennedy Space Center, Fla. Office location: Bldg. K6-1146, Kennedy Space Center, Fla.	305 867-2003		Col. Gilbert H. Newman	0745-1630 EST
U.S. Army Engineer District, Charleston: Mail address: Post Office Box 919, Charleston, S.C. Office location: Federal Bldg., 334 Meeting St., Charleston, S.C.	803 577-4171, X-229, # 577-4171	766-5772	Col. Burke W. Lee	0080-1630 EST
U.S. Army Engineer District, Jacksonville: Mail address: Post Office Box 4970, Jacksonville, Fla. Office location: Federal Bldg., 400 West Bay St., Jacksonville, Fla.	904 791-2241, # 791-2011	285-6781	Col. Avery S. Fullerton	0745-1630 EST
U.S. Army Engineer District, Mobile: Mail address: Post Office Box 2288, Mobile, Ala. Office location: 2301 Airport Blvd., Mobile, Ala.	205 473-0311, X-411, # 473-0311	473-7362	Col. Harry A. Griffith	0800-1630 CST
U.S. Army Engineer District, Savannah: Mail address: Post Office Box 889, Savannah, Ga. Office location: 200 E. Saint Julian St., Savannah, Ga.	912 233-8822 X-226, # 233-8822	233-8825	Col. John S. Egbert	0800-1645 EST
U.S. Army Engineer District, Wilmington: Mail address: Post Office Box 1890, Wilmington, N.C. Office location: 308 Federal Bldg., U.S. Courthouse, Wilmington, N.C.	919 763-9971 X-466, # 763-9971	762-7035	Col. Paul S. Denison	0800-1645 EST
U.S. Army Engineering Division, South Pacific: Mail address: 630 Sansome St., San Francisco, Calif.	415 556-0914, # 556-9000	556-0914	Brig. Gen. Frank A. Camm	0745-1615 PDT
U.S. Army Engineers District, Los Angeles: Mail address: Post Office Box 2711, Los Angeles, Calif. Office location: 300 North Los Angeles St., Los Angeles, Calif.	213 688-5303, # 688-5522	688-5522	Col. Robert J. Malley	0730-1600 PDT
U.S. Army Engineers District, Sacramento: 650 Capitol Mall, Sacramento, Calif.	916 449-2232, # 449-2000	452-1535	Col. James C. Donovan	0800-1630 PDT
U.S. Army Engineers District, San Francisco: 100 McAllister St., San Francisco, Calif.	415 556-3660, # 556-9000	556-3660	Col. Charles R. Roberts	0880-1630 PDT
U.S. Army Engineer Division, Southwestern: 1114 Commerce St., Dallas, Tex.	214-749-3336, # 748-5611	241-6717	Brig. Gen. Harold R. Parfitt	0745-1630 CST
U.S. Army Engineer District, Albuquerque: Mail address: Post Office Box 1580, Albuquerque, N. Mex. Office location: 517 Gold Ave., SW., Albuquerque, N. Mex.	505 843-2732, # 843-0311	264-5293	Col. Richard L. West	0730-1600 MDST
U.S. Army Engineer District, Fort Worth: Mail address: Post Office Box 17300, Ft. Worth, Tex. Office location: 819 Taylor St., Ft. Worth, Tex.	817 334-2300, # 334-3011	451-4420	Col. R. S. Kristoferson	0800-1645 CDT
U.S. Army Engineering District, Galveston: Mail address: P.O. Box 1229, Galveston, Tex. Office location: Santa Fe Bldg., Galveston, Tex.	713 763-1211 X-1301, # 763-1211	762-0314	Lt. Col. Nolan Rhodes	0745-1645 CST
U.S. Army Engineering District, Little Rock: Mail address: P.O. Box 967, Little Rock, Ark. Office location: 700 W. Capitol, Little Rock, Ark.	501 372-4361 X-5530, # 372-4361	372-2011	Col. William C. Burns	0800-1645 CST
U.S. Army Engineering District, Tulsa: Mail address: P.O. Box 61, Tulsa, Okla. Office location: 224 South Boulder, Tulsa, Okla.	918 584-7151 X-7311, 7312, or 7313, # 584-7151	587-0311	Col. Vernon W. Pinkey	0745-1630 CST

¹ DA Adjutant general duty officer will give OCE duty officer home telephone number, Area Code 202, 695-0163, local Oxford 50163.

² To reach person whose extension is not known. Report any changes or corrections to Publications Division, OAS, extension 36396.

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Dr. Charles H. W. Foster, Executive Director, New England Natural Resources Center. Also: Research Fellow, Harvard University, 848 Charles River Street, Needham, Mass. 02192.

Harold Gilliam, Environmental reporter, San Francisco Chronicle.

Richard H. Pough, Chairman of the Board, Open Space Action Institute and America the Beautiful Fund. Also: American Scenic

and Historic Presentation Society, 33 Highbrook Avenue, Pelham, N.Y. 10803.

Charles H. Stoddard, Environmental Consultant, 601 Christie Bldg., Duluth, Minnesota 55802.

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL ON ENVIRONMENTAL QUALITY FROM FEBRUARY 1 TO 28, 1971

To obtain a copy of a statement, contact the person whose name is listed directly below the title of the particular agency involved. Telephone numbers refer to Washington, D.C., area code 202, unless otherwise indicated. Draft statements are not listed after final statements have been received on a proposed action previously covered in a draft statement. When a final statement has

not been preceded by a draft, that fact is noted.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs (973-5391); For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation (973-7531).

Draft

Title and Date

National Accelerator Laboratory, Batavia, Illinois. Is being built to conduct experiments to study the basic forces and constituents of matter. 6,800 acre site; February 1. Proposed construction of the Midland Plant units 1 and 2 by the Consumers Power Co. 2452 MW nuclear power reactors—pres-

surized water nuclear steam supply system. Michigan; February 10.

Radioactive waste repository, Lyons, Kansas. Plan to deposit such materials in bedded salt deposits; February 10.

Comments on 102 statement regarding nuclear rocket development station, Nevada; February 19.

Final

Title and Date

Oconee Nuclear Station, unit no. 1. Application for an operating license filed by Duke Power Co. This pressurized water reactor is located in eastern Oconee County, South Carolina; February 12.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary (388-7803).

Draft

Title, Description, and Date

Construction of Elk Mountain Road in the Santa Fe National Forest, New Mexico. A scenic 2-lane drive from Gallinas Canyon to Pecos Canyon; February 16.

Final

Title, Description, and Date

Upstream watershed project for Deep Red Run-Coffin Creek watershed, Oklahoma. (Northern Tillman County, southern Kiowa County, and southwestern Comanche County.) Construction of dams, spillways, etc., to prevent flooding of agricultural lands; February 11.

East sector, Whitewater River watershed, Kansas. Conservation treatment of this agriculturally oriented land includes 23 flood-water retarding structures and one flood-water retarding and recreational reservoir; January 29.

DEPARTMENT OF ARMY (CORPS OF ENGINEERS)

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, Washington, D.C. 20314 (693-6329).

Draft

Title, Description, and Date

Lake Cowanesque project, Pennsylvania. Construction of an earthfill dam embankment and 410 acre lake. For recreational and flood control purposes; February 3.

Beaver Brook Lake project, Keene, New Hampshire. Dam and reservoir for flood control, recreation; February 3.

Tocks Island reservoir project. Proposed construction of a dam and 12,400 acre reservoir on the Delaware River, Pennsylvania, New Jersey, New York; February 3.

Comments on this draft by the Sierra Club, Trout Unlimited, Delaware Valley Conservation Association, Save New Jersey's Natural Environment, and HEW are available; February 17 (comments).

Tioga-Hammond Lake project, Pennsylvania. Construction of two dams and reservoirs. One dam on the Tioga River, one on Crooked Creek. Purpose: flood control, some recreation. 7,144 acres are required for the project; February 3.

West Tennessee tributaries (modification of part of a larger project to enlarge and realign 127 miles of channels in the Obion River system and 114 miles of the Forked Deer system). Supersedes the statement forwarded to the CEQ July 31. (This authorized work is about 32% complete.) Statement proposes to modify original plans in the Obion and Forked Deer River basins in order to mitigate fish and wildlife losses; February 3.

Brazos Island Harbor, Texas. Portions of the modifications authorized by the River and Harbor Act of 1969. Widening 16,800 feet of the Brownsville Channel to improve navigation; February 8.

Corpus Christi Ship Channel, Nueces County, Texas. 45 foot navigation project—deepening and widening various channels

and turning basins and constructing a turning point and 2 mooring areas; February 8.

Gulf Intracoastal Waterway navigation project, Port Isabel side channels, Texas. Deepening of channel and removal of submerged bars; February 8.

Corpus Christi Ship Channel, Texas. Port Aransas Breakwater. Purpose: to prevent wind and vessel generated waves from entering Port Aransas Harbor and causing damage; February 8.

Bayou Coden, Alabama, navigation project. An 8 by 10 foot channel for 3000 feet, and 8 by 100 foot channel for 2.3 miles across Portersville Bay, a turning basin; February 8.

Kalamazoo River flood control project, Michigan. Deepening, widening, straightening 10.5 miles of the Kalamazoo River and constructing a low flow control dam. Purpose: flood protection to the City of Kalamazoo and adjacent areas; February 10.

Paint Creek, Pax, West Virginia. Snagging and clearing project. Banks would be stripped of trees, underbrush, and channel cleared of debris, snags, underbrush for 20,900 feet. Purpose: to reduce flooding at Pax; February 12.

Elk Creek Lake, Rouge River Basin, Oregon. Constructing a rockfill embankment dam and a 6.2 mile lake behind it. Purpose: flood control, irrigation, municipal and industrial water supply, etc.; February 16.

Ice Harbor additional generating units, Lake Sacajawea, Washington. Installation of 3 additional generating units at this project on the Snake River; February 18.

Cascadia Lake, Santiam River Basin project, Oregon. Rockfill embankment dam and a lake 10 miles in length behind it. Purpose: flood control, navigation, etc.; February 23.

Final

Title, Description, and Date

Kays Creek, Layton, Utah. Channel enlargement for 3.5 miles between marsh area adjacent to Great Salt Lake and Interstate 15. Also intermittent channel clearing and enlargement in other areas. Purpose: to prevent flood damage to homes, businesses, roads, etc. No draft statement available; February 1.

Patoka dam and lake project, Indiana. (15 miles northeast of Jasper.) Reservoir of over 8,000 acres. Purpose: flood control, water supply, water quality, recreation, etc. No draft statement; February 4.

Smithland locks and dam, Ohio River, Indiana, Illinois, Kentucky. Replacement of existing locks and dams 50 and 51 will increase normal depths 4 and 14 feet respectively. About 4,000 acres will be inundated. No draft statement prepared; February 5.

Espanola Valley unit, Rio Grande Floodway, Espanola, New Mexico. Construction of 2.3 miles of levees along the east and west banks of the Rio Grande to form a floodway capable of conveying the spring standard project flood through the city. No draft statement prepared; February 12.

North Ellenville flood control project, Ulster County, New York. Straightening, clearing, snagging; and improving bridges, abutments and approaches to bridges; levee construction etc. along Beer Kill, Fantine Kill and Sandberg Creek. No draft statement prepared; February 16.

Chino Canyon improvement, Whitewater River Basin, Palm Springs, California. Project to build an unlined channel and revetted levee designed to retain flood and debris flow. No draft statement prepared; February 17.

Meramec Park Lake, Missouri. (65 miles southwest of St. Louis.) Construction of an earthfill dam on the Meramec River for flood control, recreation, etc. At normal pool, the reservoir will cover 12,600 acres. No draft statement prepared; February 23.

Dawson Creek, Palmlico County, North Carolina. Construction of a channel 6 feet deep and 60 feet wide from the mouth of the creek 1,550 feet to deep water in the Neuse River. Purpose: to provide a safer entrance

to Dawson Creek and encourage use. No draft statement prepared; February 24.

Brunswick County beaches, hurricane and shore protection, North Carolina. Proposal to construct a dune with an elevation of 20 feet above sea level, and a 50 foot berm 15 feet above sea level. Purpose: to provide hurricane wave protection and beach stabilization. No draft statement prepared; February 25.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Charles Orlebeke, Deputy Under Secretary (755-6960).

Alternate contact: George Wright, Office of Deputy Under Secretary (755-8192).

Draft

Title, Description, and Date

Flower Mound, proposed New Community, Denton County, Texas. The proposed action is an offer of commitment to guarantee up to \$18 million of obligations, issued to partially finance the costs of land acquisition and development; February 1.

DEPARTMENT OF THE INTERIOR

(BUREAU OF RECLAMATION)

Contact: Office of Information, Public Inquiries (343-3172).

Draft

Title, Description and Date

Auburn-Folsom South Unit, Central Valley Project, California. Construction begun in 1967—10% complete. Unit plans include Auburn Dam and Powerplant on the North Fork American River above Folsom Lake, the Folsom South Canal, and construction of the Forest Hill Divide and Folsom-Malby development. Purpose: more water for irrigation and municipal and industrial uses, hydroelectric power, etc.; February 8.

Shortcut Pipeline: a modification of the Contra Costa Canal Unit, Central Valley Project, California. Onsite work scheduled to begin March, 1971. Purpose: to provide water to meet increasing industrial needs; February 11.

Pyramid Lake pilot project in cloud seeding, California and Nevada. A main objective is to preserve Pyramid Lake which is dropping at the rate of a foot a year. Active seeding began during the 1970-71 winter season. Will be continued over a 5 year period; February 12.

Navajo Generating Station, Navajo Project, Arizona. Construction of this coal-fired, 2,300 MW generating station began April, 1970, on acreage leased from the Navajo Indian Tribe. Purpose: to meet growing demands for power in the Southwest; February 12.

Tehama-Colusa Canal, Central Valley Project, California. Construction began in 1965. Purpose: to provide water for irrigation, specifically to provide water to overcome the existing overdraft on the ground-water supply, and provide a water supply for lands now dry-farmed. 30% complete.

Comments on the Central Valley Project are contained in a report prepared by the Contra Costa Water Agency: "Preliminary Report on the Peripheral Canal." Report details this group's opposition to building a water conduit around the Sacramento-San Joaquin Delta, California. (415-228-3000, X2142); February 17.

San Luis Unit, Central Valley Project, California. Unit about 60% complete. Includes the San Luis Canal (complete), the San Luis Drain to the Delta (under construction), wetlands distribution and drainage system (under construction), and the Pleasant Valley Relief Pumping Plant (in operation); February 18.

Consumes River Division, Central Valley, California. Involves construction of three dams and reservoirs: Nashville on the Consumes Riv., Aukum on the South Fork, P-PI on the Middle Fork. Purpose: to meet water supply needs of cities, industries, irrigation, etc.; February 19.

Yolo County Flood Control and Water Conservation District Small Reclamation Projects Act loan application, Woodland, California. Money would help build the Indian Valley Project (a dam and reservoir) located in Lake County on the North Fork of Cache Creek. Purpose: irrigation, flood control, etc.; February 24.

DEPARTMENT OF THE INTERIOR
(GEOLOGICAL SURVEY)

Contact: same as for Bureau of Reclamation.

Draft

Title, Description, and Date

Exploratory drilling operations on Federal oil and gas leases, Santa Barbara Channel off the California coast. Program began in 1967. 66 exploratory wells have been drilled. Proposed action is the issuance of permits to allow further such exploratory drilling; February 22.

DEPARTMENT OF TRANSPORTATION (FEDERAL AVIATION ADMINISTRATION)

Contact: Michael S. Cafferty, Deputy Assistant Secretary for Environment and Urban Systems (426-4563).

Draft

Title, Description, and Date

Airport project at Reidsville, Georgia. Land acquisition, airport and runway construction, etc.; February 1.

Airport project at Great Falls, Montana. Runway construction, etc.; February 2.

Airport project at Alma, Georgia. Expansion of runway and pavement overlay to accommodate executive jets; February 2.

Airport project at Reading, Pennsylvania. Extension of runway 13-31, etc.; February 9.

Airport project at Memphis, Tennessee. Final paving of runway 17R-39L, new taxiway, etc.; February 9.

Airport project at Loup City, Nebraska. Acquisition of land in fee simple title for initial development of an airport on the same site as the current airport. Construction of NNW/SSE runway, clear zones, taxiway, access road, etc.; February 12.

Airport project at Terry, Texas. Resurfacing and extension of runway, taxiways, etc.; February 22.

Reconstruction of the Houghton County Airport, Michigan. Runways will be extended, strengthened, additional taxiways, a new terminal facility, etc., will be built; February 23.

Airport project at Savannah, Georgia. Acquisition of 1,500 acres for a new runway, etc.; February 25.

Final

Title, Description, and Date

Redding Municipal Airport, Redding, California. Purchase of land for the primary runway clear zones, a 1000 foot extension to runway 16, etc.; February 19.

Pender Airport, Pender, Nebraska. Acquisition of a new site in fee, including clear zones, grading a NW/SE landing strip, taxiway and apron, etc.; February 19.

Murray Field, Eureka, California. Extension and lighting of a runway, etc.; February 19.

DEPARTMENT OF TRANSPORTATION
(FEDERAL HIGHWAY ADMINISTRATION)

Contact: same as for FAA.

Draft

Title, Description, and Date

Express busway on the San Bernardino Freeway, California, including bus routes to and from the 2-lane busway. Eleven miles, between Mission Road near the Santa Ana Freeway in Los Angeles, and Santa Anita Ave. in El Monte; February 1.

Georgia Interstate Highway Route I-75. I-75-3(3) 270 P.E. and I-75-3(3) 291 P.E. Cobb, Cherokee and Bartow counties. Purpose: to close the 20.3 mile gap that exists in I-75 from Roberts Toad in Cobb County to US 411 in Gordon County; February 10.

Relocation of Route 28 in Louisiana. (Vernon Parish.) About 10.13 miles of 2-lane road are planned from the junction of La 28 and La 1214, to a junction with La 465; February 17.

College-Beattie Street Connector project in Greenville, South Carolina. Length of project: 2700 feet; February 22.

US 20 and FAS 2202: Wyoming project F-034-4 (9), Thermopolis-Worland Road (Big Horn River Bridge), Washakie County. Purpose: improved access to Worland; February 22.

S.R. 42: Construction of 2.85 miles of 4-lane highway to replace a sub-standard section. Pickett County, Tennessee; February 22.

US 43: Construction of 6.26 miles of 4-lane highway in Washington-Clarke Counties, Alabama. (Project F-300.) February 22.

M-275: Construction of 8.48 miles (from M-59 North to I-75). Oakland County, Michigan; February 22.

I-69: Construction of freeway from I-96 easterly to Perry, Clinton and Shiawassee Counties, Michigan; February 23.

Construction of multi-lane freeway from intersection of US 67 and Loop 306 west of San Angelo to existing US 67 east of San Angelo 0.5 mile north of F.M. 380. (Total distance of 8.9 miles. Texas; February 23.

Project S-1705-A. Baldwin County, Gulf Shores, Alabama. Construction of a 2-lane road from intersection of Alabama 59 to Alabama 180, 3 1/2 miles east of new canal bridge; January 29.

Final

Title, Description, and Date

I-90 (SR 90) West Snoqualmie to Tanner (North Bend Bypass) Washington. 6.87 miles of 6-lane freeway. Most of it will be through undeveloped forest. No draft statement was prepared; February 17.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under section 4(f) of the Department of Transportation Act. 49, U.S.C. Section 1653 (f).

Title, Description, and Date

I-77: Request for use of part of the Bible Ave. Playground for highway purposes. Charleston, West Virginia. February 1.

I-195: Highway construction requires use of lands from Humphrey Calder Playground and the Albert H. Hill School Playground in Richmond, Virginia. February 8.

I-105: Highway requires use of public lands from Imperial Village Park, Los Angeles County, California. February 8.

I-680: Highway construction requires use of public lands from Emma Prusch Memorial Park in Santa Clara County, California. 26 acres of the 87 acre parkland tract will be required. The highway will divide the parkland. February 11.

FAS 895: Highway construction requires use of 0.15 acre of Sheridan County Wildlife Management Area (project S-984(5)). Kansas. February 11.

I-635: Highway construction requires about 7 acres of City Park, Kansas City, Kansas; February 12.

I-485: Highway construction requires use of parkland in Orme Park, Atlanta, Georgia; February 12.

DEPARTMENT OF TRANSPORTATION

(Urban Mass Transportation Administration)

Contact: same as for FAA.

Draft

Title, Description, and Date

Tracked Air Cushion Vehicle Demonstration between I-495 and Dulles International Airport. 13.5 miles along the median strip of the federally owned Dulles Airport Access Road. District of Columbia, Virginia; February 25.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Contact: Joseph F. Friedkin, Commissioner (915-532-5476).

Alternate Contact: T. M. Martin, ARA/Mex., Department of State (632-1817).

Draft

Title, Description, and Date

Presidio-Ojinaga International Channel Relocations project. Another preliminary draft statement. Covers U.S. portion. Works necessary to implement U.S.-Mexico treaty in 1970 resolving boundary differences. One aspect is relocation of Rio Grande River in Presidio Valley area, Texas; February 10.

Please note the following corrections:

In Vol. 1, No. 1 of the 102 Monitor we said that final statements had been received for the Department of Transportation (FAA) airport projects at Redding, California, and at Murray Field, Eureka, California (pp. 44-45). What were actually received on December 16 were comments. The finals were received in February.

Also: the Corps of Engineers flood control project titled Lower Granite, Jan. 28, FINAL; should have been listed as a DRAFT. Under Department of Defense, Operation Chase, July 30, DRAFT; should have been listed as a FINAL.

SUMMARY OF 102 STATEMENTS FILED WITH THE COUNCIL THROUGH FEB. 28, 1971

	Draft statements ¹	Final statements ²	Total actions ³
BY AGENCY⁴			
Agriculture.....	22	44	66
Appalachian Regional Commission.....	1	0	1
Army (Corps of Engineers).....	20	137	157
Atomic Energy Commission.....	24	15	39
Defense.....	3	2	5
Delaware River Basin Commission.....	1	0	1
Federal Power Commission.....	3	3	6
General Services Administration.....	4	0	4
Housing and Urban Development.....	3	0	3
Interior.....	15	17	32
International Boundary and Water Commission—United States and Mexico.....	2	0	2
National Science Foundation.....	2	0	2
Tennessee Valley Authority.....	2	0	2
Transportation ⁵	40	18	58
Treasury.....	2	0	2
Total.....	144	236	380
BY PROJECT			
Airplanes.....	0	1	1
Airports.....	21	13	34
Beach erosion.....	1	11	12
Buildings/property.....	5	2	7
Bridges.....	3	2	5
Flood control.....	14	74	88
Forestry.....	2	3	5
Housing/urban problems.....	4	0	4
Insecticides/herbicides.....	3	0	3
International boundary.....	1	0	1
Legislation.....	2	6	8
Mass transit.....	1	0	1
Meat inspection.....	1	0	1
Military disposal.....	3	1	4
Mining.....	3	2	5
Navigation.....	7	50	57
Nuclear industry.....	1	2	3
Nuclear research.....	1	0	1
Nuclear testing.....	2	1	3
Oil.....	1	2	3
Parks, wildlife refuges.....	0	2	2
Pipeline.....	1	0	1
Power (nuclear).....	19	12	31
Power (nonnuclear).....	5	3	8
Power transmission.....	2	1	3
Radioactive waste disposal.....	1	0	1
Railroads.....	1	0	1
Roads (not including 4-f's).....	13	2	15
Water resources.....	9	9	18
Watersheds.....	14	38	52
Weather modification.....	3	0	3
Total.....	145	236	381

¹ Draft statements for actions on which no final statements have yet been received.

² Final statements on legislation and actions.

³ Total actions on which final or draft statements for Federalist actions have been received.

⁴ One nonagency statement has also been received (p. 44).

⁵ 61 "4-f" statements have been received from DOT. They are not included in this listing.

[From 102 Monitor, April 1971]

THE ENVIRONMENTAL IMPACT STATEMENTS OF THE FEDERAL POWER COMMISSION AND THE ATOMIC ENERGY COMMISSION

It is difficult to find a facet of the American life style that is not dependent on energy from electricity or natural gas. How we produce this energy—and how much of it we use—has a great impact on our environment.

Two federal agencies, the Federal Power Commission and the Atomic Energy Commission, have regulatory responsibilities in this area. The Federal Power Commission is charged with regulating interstate natural gas pipelines and power generation from non-federal hydroelectric facilities, including pumped storage. The Atomic Energy Commission has the regulatory responsibility for assuring that the construction and operation of nuclear power plants (and the possession, use and disposal of radioactive materials used in them) meet public health, safety and defense needs.

The FPC estimates that by 1990 the United States will consume nearly 6 trillion kilowatt-hours of power annually (about 4 times our present demand). Today, about 1% of our electricity is generated by nuclear power. AEC estimates this will swell to about 50% by the end of the century. Conventional hydroelectric and pumped storage capacity presently represents about 16% of our electric power generation. Generation of electric power from fossil fuels (coal or oil) is not directly regulated by the Federal government, but the Corps of Engineers requires permits if (as is usually the case) there is a discharge or intake of cooling waters. (For Corps of Engineers 102 procedures see 102 Monitor Vol. I No. 2; March, 1971.)

Environmentalists have been active in cases before FPC and AEC over environmental consequences of dams, pumped storage facilities and nuclear power plants.

The government has published a study of the environmental problems arising from the location of power plants (Electric Power and the Environment, Office of Science and Technology, Government Printing Office, \$0.75). The President's Environmental Message included legislation to require long-range planning of power plant sites and a mechanism to resolve the problems involved. (H.R. 5277, H.R. 5389.)

THE FEDERAL POWER COMMISSION

The FPC regulates the interstate aspects of the electric power and natural gas industries. It issues permits and licenses for non-federal hydroelectric power projects; regulates the rates and other aspects of interstate wholesale transactions in electric power and natural gas; issues certificates for interstate gas sales and construction and operation of interstate pipeline facilities; and prescribes and enforces the Uniform System of Accounts for regulated electric utilities and natural gas pipeline companies. It also regulates the securities, mergers and consolidations, and acquisitions of electric utilities.

Summary of FPC Procedures for Handling 102 Statements: The FPC follows the 102 process in granting licenses for hydroelectric and natural gas pipeline facilities within its jurisdiction. Relicensing of existing hydroelectric facilities is also included in these procedures. (Hydroelectric licenses are for a maximum of 50 years and the early licenses granted by the FPC are now coming up for renewal. There will be a growing number of them over the next several years.)

FPC procedures for a typical case are as follows:

1. An electric utility that wants to build a hydroelectric facility prepares a detailed application and files environmental impact information with the FPC. After a preliminary check by the FPC staff for coverage, this applicant's information is circulated to

state and local governments and to Federal agencies with expertise in the area. It is also available to the public. At a later stage in both contested and non-contested cases the FPC staff prepares a draft environmental statement for circulation and comments (after the hearing if there is one).

2. In contested cases, hearings are held.

3. After hearings in contested cases, the hearing examiner's decision also customarily deals with all environmental matters including the requirements of Section 102. This decision is distributed to all interested agencies and parties.

4. In a non-contested case, if a final order is issued by the FPC it will incorporate a final environmental statement. Likewise, if a hearing examiner's decision in a contested case is followed by a final FPC order, it also will incorporate a final environmental statement.

As of March 31, the FPC had filed four draft and four final 102 statements with the CEQ.

THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission is also concerned with the regulation of power generation, but that is only one of its numerous responsibilities. The AEC also develops, makes and tests nuclear weapons; procures uranium and other raw materials and produces fissionable matter. It develops reactors for both civilian and military use and conducts a great deal of basic and applied research.

Different procedures are used in preparing 102 statements for the two different categories of responsibilities involved: regulatory procedures (p. 66) and operational procedures (p. 72). The AEC has filed 36 draft and 15 final 102 statements with the CEQ as of March 31, 1971. In most instances, these statements involve the proposed construction or operation of nuclear facilities licensed by the AEC. Other statements, however, involve AEC's operational and developmental responsibilities; e.g. a site for atomic wastes, a nuclear rocket development station, sites for underground test programs.

With respect to its regulatory activities, the AEC's initial policy statement for implementation of the NEPA was published April 2, 1970. A revised policy statement was published December 4, 1970.

The licensing process for nuclear power reactors, as well as other major nuclear utilization and production facilities, requires a series of technical reviews and public hearings. A construction permit application is first reviewed by the AEC's regulatory staff to determine that there is reasonable assurance that the proposed facility can be constructed and operated safely at the proposed site. The construction application is also given an independent technical evaluation by the Advisory Committee on Reactor Safeguards (ACRS) as required by section 29 of the Atomic Energy Act of 1954, as amended. The reviews are followed by public hearings conducted by an atomic safety and licensing board (ASLB) appointed from a qualified panel for each proceeding. The initial decision of the ASLB is subject to review by an appeals board and/or by the Commission. (An ASLB recently announced that it had denied Columbia University permission to operate a small nuclear reactor as they felt there was not enough information on its potential hazards.) The procedure is repeated later when the facility is ready for an operating license, except that public hearings are not held unless requested or the Commission, on its own initiative, schedules a hearing.

Summary of AEC's Procedures for Handling 102 Statements for Regulatory Responsibilities:

1. AEC regulations require each applicant that wishes to construct a nuclear power plant or fuel reprocessing plant to submit a report on the environmental impact of the proposed facility. To aid applicants in the

preparation of this report, the AEC has prepared a draft "Guide to the Preparation of Environmental Reports for Nuclear Power Plants" which sets forth the specific type and kind of information which should be considered in preparing the report. (Copies of the Guide are available by writing to the Director, Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Washington, D.C. 20545.)

2. The AEC reviews the applicant's report for completeness, and prepares a draft 102 statement. This draft statement is recorded in the 102 Monitor and, together with the applicant's report, is transmitted to appropriate Federal, State, and local agencies for comment. At the same time, a notice of the availability of the draft statement is published in the Federal Register.

3. At the conclusion of the comment period, the AEC prepares a final detailed statement, including a discussion of any comments or objections received, and transmits the statement to appropriate agencies for their information. Again, a notice of the availability of the statement is published in the Federal Register, and the statement accompanies the application through the Commission's licensing process. The availability of this final statement is also noted in the 102 Monitor.

4. At mandatory public hearings on applications for construction permits, matters discussed in the environmental statement may be raised and considered in accordance with the Commission's regulations.

5. At the operating license stage, the applicant is required to update its report to the extent that environmental considerations differ significantly from those considered in the earlier report, and essentially the same process is repeated, although a hearing is not mandatory at the operating license stage unless requested by an interested person.

Following are environmental impact statements received by the council from March 1 through March 31, 1971. (To obtain a copy of a statement, contact the person whose name is listed directly below the title of the particular agency involved. Telephone numbers refer to Washington, D.C., area code 202 unless otherwise indicated. Draft statements are not listed after final statements have been received on a proposed action previously covered in a draft statement.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973-5391; For Regulatory Matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973-7531.

Draft

Title, Description, and Date

Proposed issuance of an operating license to the Vermont Yankee Power Corporation for the Vermont Yankee Nuclear Power Station, Vernon, Vermont. Single cycle, forced circulation boiling water reactor; February 24.

Radioactive waste repository, Lyons, Kansas. Comments on draft (2/10) from HEW; March 1.

Comments on the above statement from Kansas state agencies. More data on transportation, geological and site integrity, surveillance and monitoring and retrievability is asked; March 11.

Nuclear rocket development station, Nevada. Comments on draft (1/15) from DOD, DOT, and State of Arizona Atomic Energy Commission; March 1.

Comments on same draft from the Resources Agency of California; March 23.

Proposed issuance of an operating license for the Calvert Cliffs Nuclear Power Plant, Units 1 and 2 (pressurized water reactors) by Baltimore Gas and Electric Co. 1,135 acre

site, 45 miles southeast of Washington, D.C. Maryland. No cooling towers on ponds are planned because of lack of sufficient land area and fresh water; March 12.

National Accelerator Laboratory, Batavia, Illinois. Comments on draft (2/1/71) from the Assistant Secretary for Health and Scientific Affairs and the Bureau of Radiological Health. Both request more data; March 24.

DEPARTMENT OF AGRICULTURE (CONSUMER AND MARKETING SERVICE)

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (388-7803).

Draft

Title, Description, and Date

Regulations for the Egg Products Inspection Act. Signed by the President 12/29/70. Provides for mandatory inspection of egg products in intrastate, interstate, and foreign commerce, etc.; February 24.

DEPARTMENT OF AGRICULTURE (FOREST SERVICE)

Contact: same as for Consumer and Marketing Service.

Draft

Title, Description, and Date

Proposed regulations for the protection and conservation of surface resources in connection with prospecting, exploration, development, mining, etc. on National Forest land. Relates to 140 million acres of National Forest land which are subject to location and entry under the United States mining laws. Specific broad objectives: control of erosion, contributions to floods and the pollution of waters and air, isolation of toxic materials, reclamation of land, protection of wildlife, etc.; March 24.

DEPARTMENT OF AGRICULTURE (OFFICE OF THE SECRETARY)

Contact: same as for Consumer and Marketing Service.

Final

Title, Description, and Date

Imported fire ant: cooperative federal-state control and regulatory treatments. Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas. Argues that the federal government should help these states control this stinging ant through the aerial application of mirex; March 18.

DEPARTMENT OF AGRICULTURE (SOIL CONSERVATION SERVICE)

Contact: Same as for Consumer and Marketing Service.

Draft

Title, Description, and Date

Watershed project, Winters Creek, Nebraska (Scotts Bluff and Sloux Counties). 89,700 acre watershed in predominately agricultural area. Involves construction of a dam, 7.2 miles of channel and drain improvement, land treatment measures. Purpose: reduction of soil erosion associated with agricultural irrigation; March 3.

Watershed project, Big Creek Watershed, Kansas (Coffey, Lyon, Greenwood and Woodson Counties). Involves conservation land treatment on 7,000 acres and 9 dams. Possible adverse effects described include elimination of 350 acres of croplands and grasslands due to inundation by the sediment pools; March 11.

Final

Title, Description, and Date

Watershed project, Snapping Shoals Watershed, Georgia (Rockdale and Newton Counties). Involves conservation land treatment, construction of floodwater retarding structure, one multi-purpose reservoir, channel enlargement, clearing and snagging, etc. Purpose: to prevent flooding and increase water supply to Conyers; March 17.

Lower and Upper McKee Creek (North Fork) Watersheds, Illinois (Adams, Brown

and Pike Counties). Conservation land treatment on over 97,000 acres, 500 small grade stabilization structures, 12 dams and 4 reservoirs. 45 miles of stream channels will be inundated by structures and reservoirs. Purpose: flood control to reduce erosion, water supply, recreation; March 17.

Watershed projects, Stone Corral Watershed, California (Tulare County). Nine miles of pipeline, four miles of open channel, sump for temporary detention of floodwaters, wildlife plantings, conservation land treatment of 10,000 acres, etc. Purpose: to prevent flood damage to this agricultural land; March 19.

Watershed project, Kadashan Bottom Watershed, Oklahoma (Wagoner County). Conservation land treatment, six floodwater retarding structures and 5.6 miles of channel improvement. Purpose: increasing value of agricultural land by reducing erosion, floodwater and sediment damages; March 25.

DEPARTMENT OF DEFENSE; DEPARTMENT OF ARMY

Contact: Director of Installations, Deputy Chief of Staff, Logistics, Department of the Army, 694-8122.

Draft

Title, Description, and Date

Phase 1 deployment of the SAFEGUARD Ballistic Missile Defense System: Grand Forks, North Dakota and Malmstrom AFB, Montana. (System must be located close to Minuteman fields in N.D. and Mont. to protect them.) System consists of Missile Site Radar (MSR) and Perimeter Acquisition Radar (PAR), two types of interceptor missiles (SPARTAN and SPRINT), a high speed computer system, etc. Purpose: protection from ICBM attack. Information attached on community impact (several thousand persons will move into the communities to work on the system); March 19.

DEPARTMENT OF DEFENSE, DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, Forrestal Bldg., 1000 Independence Avenue, Washington, D.C. 20314, 693-6329.

Draft

Title, Description, and Date

Navigation project on the Columbia and Lower Willamette Rivers below Vancouver, Washington and Portland, Oregon. Slaughters Bar Reach. Deepening and widening of navigation channel, and construction of 2 turning basins. Purpose: to facilitate commerce by providing economical movement of materials by ship; February 12.

Survey report on the Edwards Underground Reservoir, Guadalupe, San Antonio, and Nueces Rivers and tributaries. Texas. Purpose: to find a way to recharge this aquifer as part of plans for flood control and water conservation. To do so a dam and reservoir would be constructed at Cloptin Crossing on the Blanco River, February 12.

Lakeview dam and reservoir, Mountain Creek, Trinity River Basin, Texas. Multipurpose lake for flood control, water supplies, recreation, etc. Will cover 9,510 acres, mainly cropland; February 22.

Ridgway and vicinity local flood protection project, Clarion River, Pennsylvania. Widening, deepening, realigning, etc. of 1.6 miles of the river; February 25.

Marianna and vicinity local flood protection project, Tenmile Creek, Pennsylvania. 1.4 miles of channel are involved. Widening, deepening, realigning will be done; February 26.

Platte River, Michigan: construction of a breakwater and deepening of a channel to meet need for a refuge along Lake Michigan's eastern shore and provide access to Platte River for recreational boating and fishing; March 5.

Charles River Dam, Boston, Massachusetts. Earth and concrete dam downstream of exist-

ing dam with river pumping facilities, 3 navigation locks, fish ladder, etc. Purpose: to eliminate danger of flood damage to properties, particularly in Boston and Cambridge; March 5.

Flood control project, Churn Creek, Shasta County, California. Improvement and clearing of channel, 1,500 feet of new channel for flood diversion, levees, etc. Purpose: to prevent nearby annual flooding of Churn Creek Bottom. Residential development is spreading to this area; March 10.

Candy Lake, Candy Creek, Oklahoma. Earth-filled dam and reservoir project. About 4,700 acres will be used. Purpose: flood control, water quality control, recreation, etc. 2,170 of these acres will be inundated; March 10.

Construction of a lake and earth dam at Birch Creek in Osage County, Oklahoma. Purpose: to reduce flood losses, improve the water supply and water quality control, etc. Would result in loss of approximately 1,137 to 2,340 acres of land which provide a source of food and cover for wildlife. Attached agency comments oppose some aspects; March 15.

Taylor Bayou, drainage and flood control project, Texas. Channel enlargements, construction of diversion channel, salt water barrier, etc. About 250 acres of valuable coast marsh will be lost in the spilling operation. (To minimize impact, dredgings will be placed on dry land areas.) March 15.

Roseau River project, northern Minnesota. Involves enlargement and straightening, two short reaches of levee and a section of spoil bank, etc. Approximately 2,400 acres of right-of-way is required for construction. (43.7 miles of natural river will be channelized.) Purpose: to control flooding for benefit of agricultural production. Area is presently heavily used by waterfowl for nesting, breeding and resting. There are also many game fish; March 17.

Hurricane protection project, Stratford, Connecticut. Consists of earthfilled levees around Great Meadows area of Stratford and levees and floodwalls along Housatonic River and shoreline on Long Island Sound. Gated conduits in barrier at Lewis Gut. Will make salt marsh more attractive for landfill and industrial development; March 18.

Stillwater Creek and tributaries channel improvement project, Stillwater, Oklahoma. Work on Upper Boomer Creek involves concrete and earth channels and on West Boomer Creek an earthen channel with turf side slopes. Nonstructural measures on East Boomer Creek and Lower Boomer Creek, new concrete box culverts, span bridges, etc. Right-of-way will require 58.9 acres of fee land. Purpose: flood control; March 19.

Shilder Lake, Salt Creek, Oklahoma. Construction of earthfill dam and reservoir for flood control, water supply, water quality control and recreation. At top of flood control pool, 4,010 acres will be inundated. A native species to the area, the northern greater prairie chicken, is on the national rare and endangered species list; March 19.

Jefferson River, Three Forks, Montana. Earthfill levee, 14,700 feet long and 6-7 feet tall to protect town from flooding. Possibility exists that collector ditch will concentrate industrial, urban and agricultural pollutants; March 22.

Smithland Locks and Dam, Illinois, Indiana and Kentucky. Comments by the EPA on the draft environmental statement. (These comments arrived subsequent to receipt of the final statement [2/5]. The CEQ did not receive a copy of the draft.) EPA raises possibility that some sewage facilities may be inundated or adversely affected, and that the dissolved oxygen content of the water may be lowered; March 24.

Becknell-Crace coal-loading terminal, Gross Creek embayment of Lake Cumberland, Kentucky. Request by Becknell-Crace Coal

Company for Army permit to construct terminal. Principal features: a mooring float for a jumbo barge, coal transfer system, and a 100-ton coal storage hopper. Transportation of coal to John Sherman Cooper Steam Plant near Burnside, Kentucky (56 miles by water); March 24.

Final

Title, Description, and Date

Lower White River project, Clarendon, Arkansas. Enlargement of the existing 6.1 miles of levee. Purpose: flood protection. No draft statement received; March 2.

Beach erosion control project, Oxford, Tred Avon River, Maryland. Construction of 845 feet of sloped stone revetment from Morris St. to Mill St. No draft statement received; March 2.

Flood control project, Las Animas, Colorado. Involves 9.6 mile long levee on south bank of Arkansas River, mile long levee on north bank, etc. Purpose: protect the City of Las Animas and adjacent agricultural land from floods. No draft statement received; March 4.

Flood control project in Great Bend, Kansas. Involves construction of about 12 miles of leveed channel, 6 miles of channel improvements with levees, alteration or relocation of railroad bridges, etc. Purpose: protect area from Arkansas River floods. No draft statement received; March 4.

Navigation project, Kawahae deep-draft harbor, Hawaii, Hawaii. Enlargement of harbor to 1,450 by 1,750 to accommodate the modified 633' C-4 class vessels. No draft statement received; March 11.

Navigation project, Osceola Harbor, Arkansas. Construction will provide slackwater harbor channel for year-round access to barge transportation for a proposed industrial complex. No draft statement received; March 11.

University of Washington and Spring Brook, California. Completion of the coordination between federal agencies and local agencies. Latest correspondence and summary of comments from DOI, USDA, DOT, DHEW and State of California Resources Agency are included; March 11.

Dunkirk Harbor Project, New York. Completion of the coordination between federal and local agencies. Latest of these are HEW and DOT; March 11.

Flood control project, Pecos, Texas. Diversions and levees on tributaries of the Pecos River to protect the city. 15.3 miles of diversion levee would be constructed. No draft statement received; March 12.

Channel clearing and debris removal along 10 miles of the Entiat River, Washington. Purpose: to alleviate potential flood damage due to possible increase in runoff and debris, primarily logs, from burned area in Chelan, Okanogan and Kititas Counties. No draft statement received; March 16.

Local protection project, Dodge City, Kansas. Construction of 6.9 miles of levees on both banks of Arkansas River and enlargement of the channel between the levees. Purpose: flood control. Will encourage urban development of some 540 acres. No draft statement received; March 24.

Marshalltown flood protection project, Marshall County, Iowa. Construction of 8.1 miles of new or improved earthen levees and concrete floodwalls on Iowa River, enlargement of Linn Creek channel, 3 sewage lift stations, a sewage-effluent pumping plant, etc. Purpose: flood protection in Marshalltown. No draft statement received; March 24.

Local flood protection project, Adkin Branch, Lenoir County, North Carolina. Includes 3.2 miles of stream-channel excavation, construction of 4 concrete drop structures, etc. Purpose: flood control and better outlets for storm sewers. No draft statement received; March 24.

Channel improvement project on Souris River, Minot, North Dakota. 20.8 miles of

snagging and clearing, 7.3 miles of continuous channel enlargement, etc. Purpose: reduction of flood damage in Souris River Valley; March 25.

Lavon Lake modification and East Fork channel improvement, Texas. Deepening, widening, realigning or straightening 31.8 miles of river from its confluence with the Trinity River upstream to below the Rockwall-Forney Dam. Purpose: flood protection. The Lavon Reservoir modification is currently under construction. No draft statement received; March 29.

Big Hill Lake, Kansas. Construction of earthfill dam on Big Hill Creek about 4.5 miles east of Cherryvale. Initial lake capacity will be 23,900 acre-feet at the top of flood pool. (1,160 acres of pasture and timberland will be inundated.) Purpose: flood control. No draft statement received; March 30.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Charles Orlebeke, Deputy Under Secretary, Washington, D.C. 20410 (755-8192).

Final

Title, Description, and Date

New Community of Park Forest South, Will County, Illinois. Located on 8,200 acres site 30 miles south of downtown Chicago. Eventual population of 118,000. Mixture of housing types and economic levels. Will be a racially balanced, high density community. About 800 housing units have been built or are under construction; March 23.

DEPARTMENT OF INTERIOR (BUREAU OF RECLAMATION)

Contact: Office of Information, Public Queries, 1th and C Streets N.W. Washington, D.C. 20240 (343-3172).

Draft

Title, Description, and Date

Third powerplant, Columbia Basin project, Washington. Construction of this powerplant with six 600 megawatt generators was begun before enactment of the NEPA. It will be part of Grand Coulee Dam. Purpose: to meet power shortage of the Pacific Northwest; March 1.

Archer-Weld transmission line: a 230 kv facility that will extend 57 miles from the Archer Substation east of Cheyenne, Wyoming, to the proposed Weld Substation west of Greeley, Colorado. Purpose: will interconnect public and private transmission facilities which will help prevent blackouts, March 8.

Pilot project in cloud seeding, McKenzie County, North Dakota. Distribution of silver iodide from airplanes. Purpose: to verify results of an earlier experiment and to develop decision-making criteria and processes for implementing weather modification projects in the northern Great Plains, etc.; March 9.

Colorado River Basin pilot project in cloud seeding. Comments on draft (December 14, 1970) from the Colorado Conservation Board, Colorado Geological Survey, National Science Foundation, DOD, Commerce, and the National Center for Atmospheric Research. Several of these agencies ask for more details; March 9.

Crystal Dam and Powerplant, Curecanti Unit, Colorado River storage project, on the Gunnison River, Colorado. The last of 3 dams to be completed in this unit. 6.8 miles of cold-water stream fishery habitat will be inundated, 2 miles of scenic beauty will be altered, etc. Purpose: power generation, irrigation, recreation, flood control, fishery enhancement where possible; March 11.

Columbia Basin project (except Columbia Basin third powerplant) in central Washington. Construction began before enactment of the NEPA and is 45% complete. Remaining work involves 6 additional giant pumps to lift water from the reservoir behind Grand Coulee Dam and irrigation facilities to serve

some 500,000 additional acres. Purpose: irrigation, hydroelectric power generation, recreation, etc.; March 15.

North Platte pilot project in cloud seeding. Being conducted by the Atmospheric Resources Research Group at the University of Wyoming. Part of the Bureau's investigation to determine if cloud seeding can augment water supplies, and to learn its effect on the environment; March 15.

North Loup Division, Pick-Sloan Missouri Basin program; Nebraska. Involves irrigation service to 52,600 acres, construction of Calamus Dam and Reservoir on the Calamus River, Kent Diversions Works on the North Loup River, Davis Creek Dam and Reservoir, etc. Purpose: increased agricultural production, recreation, etc.; March 25.

Mt. Elbert pumped-storage powerplant, Fryingspan-Arkansas Project, Colorado. Located on the north shore of Twin Lakes, construction includes a 100 megawatt reversible pump-turbine-motor generator unit and preparatory work on a second unit. Powerplant structure equivalent to a 15 story building. Do not know what effect powerplant operation will have on marine life of Twin Lakes (a prize trout fishery is located there). Purpose: irrigation, hydroelectric power, flood control, industrial water, etc.; March 26.

DEPARTMENT OF TRANSPORTATION (FEDERAL AVIATION ADMINISTRATION)

Contact: Martin Convisser*, Director, Office of Special Projects, 400 7th Street S.W., Washington, D.C. 20590 426-4357.

Draft

Title, Description, and Date

Airport project at Russell Field, Rome, Georgia. Runway extension to enable corporate jets to have a greater margin a safety; February 25.

Airport project at Healdton, Oklahoma. Construction of new municipal airport and paved landing strip. Will also serve 3 nearby communities; February 25.

Airport project at Rexburg, Idaho. Involves land acquisition for clear zones, airport development, runway extension (on land between sewage lagoons) etc.; March 2.

Comments on this draft from the Office of Metropolitan Planning and Development of HUD; March 17.

Airport project at Norfolk, Virginia. Involves runway and taxiway extension, terminal building (including sanitary sewer and pumpstation system) botanical garden, etc.; March 2.

Airport project at Grand Rapids, Michigan. Involves building a 1000 by 100 foot runway extension and parallel taxiway, additional high-intensity lights, etc.; March 2.

Airport project at Harlingen, Texas. Involves extension of runway and taxiway, acquisition of land for future expansions and clear zones, etc. Purpose: safety and to avoid having to relocate people in the future.

Loup City Municipal Airport project, Nebraska. Comments from the EPA, Geological Survey. Draft was dated February 12, 1971; March 5.

Comments on above project from USDA; March 25.

Airport project at Truckee, California. Involves runway extension, land acquisition, apron floodlight system, etc. Purpose: to accommodate business jets and Electra aircraft, etc.; March 5.

Project at Glacier Park International Airport, Kalispell, Montana. Involves 1000 by 150 foot extension to instrument runway. Increased frequency of Air West flights not anticipated; March 8.

Airport project, Terry County, Texas. Comments on draft (February 22, 1971) from the Water Quality Office of the Environmental

* He will refer you to the correct regional office from which the statement originated.

Protection Agency in Dallas and the South Plains Assoc. of Governments; March 12.

Airport project at Salisbury, Maryland (Phase IV). Extension, marking and lighting of runway 13-31, acquisition of land, construction of taxiway, etc. Purpose: to provide all weather runway and increase the margin of safety; March 25.

Airport project at Jesup, Georgia. A 20-year expansion plan in 3 phases. First phase (immediate) consists of a runway expansion, partial parallel taxiway, land acquisition, hangar relocation, etc. Second phase (10 years) includes a further runway extension to accommodate executive jets. The third phase (20 years) involves extending parallel runway to full length of runway and development of terminal. Noise may cause protests; March 25.

Airport project at Ashtabula, Ohio. Land acquisition, runway extension from 4,200 to 5,200 feet, etc. Purpose: to accommodate turbine and jet aircraft as well as higher performance aircraft; March 25.

Airport project at Cambridge, Minnesota. Acquisition of land and replacement of a "half sod, half sand" landing strip with hard surface, lights, taxiway, etc.; March 25.

Airport project at Grand Canyon, Arizona. Extension of runway and taxiway, construction of a fire and rescue equipment building, etc., at Grand Canyon National Park Airport. Purpose: to enable Air West to use DC-9's instead of F-27's; March 25.

Airport project at Hancock, Michigan. Comments on draft (February 23, 1971) by USDA; March 25.

Final

Title, Description, and Date

Acquisition of 210 acre site in fee simple by sponsor to build airport in Plattsmouth, Nebraska; March 2.

Lonesome Pine Airport, Wise County, Virginia. Involves 1400 foot extension of runway. Airport is on former strip mine. Purpose: to allow planes to land which presently can't (Lear Jets and DC-3's already use facility); March 2.

Grove Municipal Airport, Oklahoma. Acquisition of land to construct a 60 by 3400 foot runway over a 3000 foot existing runway, an apron, parallel taxiway and medium intensity lights. Purpose: to accommodate more and larger aircraft year round; March 2.

Jekyll Island Airport project, Jekyll Island, Georgia. Grading, paving and lighting of an 800 foot extension to runway and taxiway; March 2.

Airport project at Holdrege Municipal Airport Holdrege, Nebraska. Extension and lighting of a runway, etc.; March 17.

DEPARTMENT OF TRANSPORTATION (Federal Highway Administration)

Contact: same as for FAA. (NOTE: the contact will tell you the name of the appropriate FHWA division engineer. There is an office in each state.)

Draft

Title and description, and date

Construction of 4-lane highway from 1 mile south of Riverton to 1 mile east of Hudson, Wyoming. Purpose: to reduce high rate of pedestrian-vehicle and animal-vehicle accidents on existing local travel road. Project PSF-5895; February 24.

Inner Loop Freeway, Shreveport, Louisiana. This is a revised draft, correcting discrepancies in the original draft. Construction of 4-lane highway from the junction of I-20 and Buncombe Road to proposed Industrial Loop. Project F-419(7); February 25.

US-165: upgrading and improving existing 2-lane highway to a divided 4-lane highway. From south of the US-165-US-80 interchange in Monroe to S.R. 2 in Sterlington, Louisiana. Projects F-U-204(6), F-204(7), F-204(8); February 25.

LA-1: Relocation of LA-1 to improve alignment, construction of new Bayou Pierre

bridge, Natchitoches Parish, Louisiana. Project S-48(4); February 25.

I-29: construction of 4-lane controlled access highway from S.H. 13 near Mooreton to the North Dakota, South Dakota border. Richland County, North Dakota. Project I-129-1(1)0; February 25.

US-90: relocation between LA-308 and Bayou Lafourche to US-90 at Gibson. Will be 4-lane, controlled access. Part of long-range program of relocating and upgrading US-90 from New Orleans to Lafayette, Louisiana. FAP No. F-155(9); February 26.

US-75: realignment through 2 miles in Coffey County and 6½ miles in Osage County, Kansas. Purpose: separation of traffic types to balance divergent needs of farming interests and to support anticipated recreational use. Project F-063-2(23), F-063-2(25), F-063-3(1), K-1035(4); March 1.

I-16-1: completion of construction between Macon and Savannah, Georgia. 164.90 miles of highway in Treutlen, Emanuel, Candler and Bulloch Counties. Much of this highway is already complete. Project I-16-1(13) 77 (P.E.); March 2.

I-35: proposed 27.4 miles of highway in Wright and Franklin Counties, Iowa. Purpose: to link 2 existing sections of the Interstate system. Controversy over diagonal severance. Project I-35-6; March 2.

US-45: replacement of existing road in urban renewal section of Fulton, Kentucky. Purpose: to replace low, poorly-drained underpass. Statement questions need for this improvement. (Op 12); March 2.

M-81: replacement of bridge crossing over Saginaw River, Saginaw, Michigan. Old bridge is deteriorating; March 2.

Industrial loop arterial in Shreveport, Louisiana. 4-lane divided highway from Flournoy Interchange on I-20 to the east terminus of the Inner Loop Expressway. Purpose: to aid growth of south Shreveport area. Project 700-06-93; March 2.

US-31E: replacement of old US-31E with new 4.75 mile section to the west. From Jefferson School Road in Allen County to new section of roadway south to the Barren River Reservoir. Purpose: improve access to reservoir and recreational area. Kentucky Project F-28(17); March 2.

State highway spur 484: 3.4 miles of controlled access highway along location of an existing road from proposed S.H. loop 9 near Belt Line Road to S.H. Loop 635, Dallas County, Texas. Purpose: to handle anticipated traffic between northern Dallas and the Dallas-Ft. Worth Regional Airport, Texas; March 2.

State highway loop 635: 9.1 miles of controlled access highway from S.H. 121 in Tarrant County to I.H. 35E at I.H. 635 in Dallas County. Purpose: to handle anticipated traffic between northern Dallas and the Dallas-Ft. Worth Regional Airport, Texas; March 2.

FAS-434: replacement of country road (but flatten curves) from a point 11.5 miles east of Dupuyer to a mile west of Conrad in Pondera County, Montana. Purpose: better, safer route. One alternative route would go through bird sanctuary. Project S-434(1); March 3.

Forest Highway 903(4), Verde Valley to Roosevelt Dam: a 130 mile highway in Arizona. Purpose: to make scenic areas more accessible, etc.; March 4.

I-95: 59 mile corridor in Palm Beach, Martin and St. Lucie Counties, Florida. Purpose: to provide location for I-95 along east coast of Florida. Crosses a rural, almost wild area. A route east of the turnpike would effect the Loxahatchee River and Jonathan Dickinson State Park. State Job #99060-7902; March 4.

Donaldson-New Orleans Highway and Killona-Sunshine Bridge Highway (Westbank Expressway), St. James, St. John and Ascension Parishes. Purpose: part of long-range plan to have a 4-lane highway from Shreve-

port to New Orleans, Louisiana. Projects F-420(1), F-320(2); March 4.

US-65: construction of 21.8 miles of 4-lane divided highway between Little Rock and Pine Bluff, Arkansas. Project F-025-2(24); March 8.

I-40: Pulaski County, Arkansas. Construction of a safety rest area adjacent to east-bound lane 3.5 miles east of Morgan interchange. Project I-40-3(59); March 8.

US-69: construction of between 2 and 3 miles of 4-lane highway within the cities of Overland Park and Lenexa, Kansas. Purpose: to accommodate an anticipated increase in traffic. Project 69-46 U-083-3(22) Part I & II; March 9.

K-61: construction of 0.9 miles of highway in Reno County, Kansas. Purpose: to complete the last segment of relocation and upgrading of K-61 through Hutchinson. Project U-030-1(13); March 9.

S.H. 64: construction of 3.9 miles of highway in the Mule Shoe Bend section in Coconino County, Arizona (within Navajo reservation). Purpose: to provide a new alignment replacing sub-standard section. Project FLH-033-1(1); March 10.

S.H. 7: reconstruction of 7.6 miles of Highway 7 from Highway 335 to a point 2.5 miles northwest of Smackover. Purpose: improve transportation between El Dorado and Camden and to bypass Smackover, Arkansas. Project F-019-1(9); March 10.

S.H. 298: widening and straightening 2.5 miles. East Forest Boundary, East Garland County, Arkansas. Purpose: to accommodate present and future traffic volume along this route and to provide access to recreation facilities; March 10.

Highway 7: Ouachita County, Arkansas. Construction of 2.5 miles of 4-lane highway. Purpose: to relieve present congestion, etc. Project F-019-1(4); March 10.

Ala. 229: Elmore County, Alabama. Construction of 1.4 miles of 2-lane road. Purpose: to eliminate 3 unsafe horizontal curves and sub-standard bridge. Project S-2607(101); March 11.

US-84: relocation from Andalusia to River Falls, Alabama. Right-of-way along existing route is narrow—widening would cause extensive damage to adjacent property owners. Project S-1729-A; March 11.

US-78: construction of 7.7 miles of highway, Walker County, Jasper, Alabama. Purpose: to complete a 4-lane link for US-78 between Jasper and Birmingham. Project S-328-G; March 11.

US-27 (S.R.-1): Relocation of 4 miles of 4-lane highway in Walker-Catoosa Counties, Georgia. Purpose: to provide for future development of Chickamauga-Chatanooga National Military Park, and eliminate through traffic within the park. Project F-017-3(16); March 11.

M-62 and M-140: reconstruction of 7.4 miles between M-140 and Dowagiac, Michigan. Widened to 24 feet with 10 foot shoulders on improved horizontal and vertical route; March 11.

S.H. 40: Rapid City, South Dakota to Farmingdale, South Dakota. Rebuilding, flattening curves, widening, raising, etc. To accommodate higher traffic volume. Unprogrammed project S-1041; March 11.

US-85: rebuilding (flattening curves, widening, raising grade) from North Dakota line south for about 8 miles to Ludlow, South Dakota. Includes new bridge and construction of channel change at Crooked Creek. Public hearing on April 22, 1971. Unprogrammed project F-011-6; March 11.

US-12: from Bath corner through Groton to Andover, Brown and Day Counties, South Dakota. Relocation and rebuilding of 20 miles of US-12 to make a 4-lane highway (to Groton); a 2-lane highway along railroad alignment from Groton to Andover. Projects F-044-5 & F-044-6; March 11.

S.H. 50: rebuilding of ½ mile through

Wagner, *South Dakota*. Unprogramed project F-012-1; March 11.

S.H. 40: grading, minor drainage structures and interim surfacing of 6-7 miles near Cedar Butte, *South Dakota*. Unprogramed project S-1351; March 11.

US-18: rebuilding of highway from Win-ner, *South Dakota* to a point 43 miles south-east. (Tripp and Gregory Counties) Widening, flattening of some curves, etc. Purpose: to accommodate anticipated increase in traffic. Public hearing scheduled April 20, 1971. Unprogramed projects F-010-5 & F-010-6; March 11.

S.H. 63: Ziebach and Haakon Counties, *South Dakota*. Construction of new bridge across Cheyenne River and realignment of approaches for safety reasons. Public hearing on March 19, 1971. Unprogramed projects S-1262 & S-1263; March 11.

S.H. Spur 303: from F.M. 1382 in Grand Prairie, east to Loop 12 in Dallas, Texas. Purpose: to provide a fast, safe, efficient route between the Oak Cliff area of Dallas and Grand Prairie; March 11.

IH-1: Pearl Harbor interchange to Middle Street, Oahu, Hawaii. Construction of 2.65 miles of freeway to supplant existing Kamehameha and Nimitz Highways. Will reduce travel time. Project will require .11 acres from the Pacific War Memorial. (This requires a 4(f) statement, which is attached); March 12.

US-85: upgrading from 7.5 miles north of Redig, *South Dakota* to 5.0 miles south of Redig. Involves flattening curves, raising grade, widening roadway, etc. Unprogramed projects F-011-5 & F-011-6; March 12.

S.H. 37: reconstruction to provide a 4-lane divided highway. Length of project: 6 miles beginning at the Sanborn-Davison County line, *South Dakota* and continuing south along S.H. 37. A short channel change will be required. Location hearing scheduled April 27, 1971. Unprogramed project F-047-3; March 12.

US-81: rebuilding from US-212 in Water-town, *South Dakota* north on US-81 (for about 3 miles) then east to an interchange on I-29 (about 2.5 miles). Involves grading, curb and gutter and surfacing, etc. Purpose: to accommodate higher traffic volume. Location hearing scheduled April 28, 1971. Project F-053-7; March 12.

I-90: West Snoqualmie to Tanner (North Bend Bypass) *Washington*. Construction of 6.87 miles of 6-lane freeway through undeveloped forest and agricultural land. (Final statement was received earlier—February 17); March 12.

US-280: replacement of a 2-lane highway with a 4-lane highway between Birmingham and Chelsea, *Alabama*. Length of project is 5.6 miles. Purpose: safer and faster means of transportation. Approximately 162 acres, including forest and farm land, will be converted to highway use. Project F-214(19); March 15.

US-90: part of relocation of US-90 between Lafayette and New Orleans, *Louisiana*. This extends south to junction with US-90 east of Wax Lake Bridge; March 15.

Legislative Route 1126, Erie County, *Pennsylvania*. Purpose: to provide connection for Southern Tier Expressway to Interstate 90. Corridor's total length is 11.3 miles at a construction cost of \$18,620,000. An alignment to be developed to avoid encroachment on State Game Lands.

S.C. Route 61: Improvement of 2.7 miles of existing route from S.C. Route 171 northerly to Ashley Hall Plantation. Will be upgraded to 4-lanes. Purpose: to provide multi-lane arterial connection to the proposed location of the Inner Belt Freeway and the S.C. 61 Expressway, Charleston County, *South Carolina*; March 15.

S.R. 20: Lawrence County, *Alabama* Recon-struction of 6.72 miles of highway, from east of Town Creek to east of Courtland. Will be made 4-lane. Purpose: to improve a hazardous section. Project F-FG-237(5); March 16.

I-65: improvement project involves con-struction of 1.5 miles of 2 additional lanes (making it a 8-lane highway). Atlanta, Georgia. Parts of 3 educational institutions will be required for right-of-way. Purpose: to accommodate the increasing traffic volumes. Projects I-75-2(41) & UL-75-2(52); March 16.

Briley Parkway: joining the ends of Briley Parkway by construction of a 4-lane divided highway for 5 miles around the business section of Nashville, Tennessee. Purpose: to complete this circle route and provide a major urban arterial route. Project S-6326; March 16.

US-90: St. Landry Parish, Louisiana. Con-struction of 2.5 miles from Eunice County Club to 12th St. in Eunice. Project F-199(15); March 17.

Route 750: Boone County, Missouri. Con-struction from Business Route 63, east to Route 63. Purpose: to provide better access to University of Missouri, and south part of City of Columbia; March 17.

California F.H. 100-4(1), Minarets Summit, Inyo National Forest, Madera County. Re-construction (widening, improved surfaces) of 2.7 miles of dirt road to provide public access to Agnew Meadows, Red Meadows Campgrounds, Devils Postpile National Mon-ument, etc. Conservationists have objected on grounds this is a "de facto" wilderness area. Project F.H. 100-4(1); March 18.

K-260: Upgrading of existing FAS 307 and FAS 451 in Moundridge, Kansas (identified as the Moundridge Loop). Length of projects from intersection of Christian Avenue and Cole Street north to I-35 and east to I-35 are 1.748 miles and 1.483 respectively. Pro-jects 260-59 S-112(9) & 260-59 S-233(15).

Route E: 2 mile relocation project adja-cent to north city limits of Granby, Missouri. Purpose: replace 1-lane bridge over Shoal Creek, construct new roadbed and bridge approaches and provide grade separation be-tween highway and St. Louis and San Fran-cisco railroad; March 18.

Lockport Expressway, sections I, II, III, Am-herst, New York. Involves construction of 7 miles of freeway entirely within Amherst (from I-290 between the Niagara Falls Blvd. and Millersport Highw) interchanges to New Road. Purpose: relieve congestion; March 19.

US-72: Madison and Jackson Counties, Alabama. Construction of a 4-lane highway from west of Gurley, Alabama to .5 miles southeast of Paint Rock River. Present fac-ility is two lanes. 4(f) determination at-tached as project will take land from the North Sauty Waterfowl Refuge (from 30 to over 288 acres, depending on which alterna-tive is selected). Project F-235(12) & S-182-E; March 22.

S.R. 316: construction of 6.26 miles of 4-lane highway from 1 mile west of Lawrence-ville to 1 mile west of Dacula, Georgia. Pro-ject: move direct route between Atlanta and Athens. Will aid industrial development. Project F-108-1(4); March 22.

S.R. 166 and 61: Carroll County, Georgia. The "Carrollton Bypass". Construction of about 6 miles of highway to relieve conges-tion on city streets; March 22.

Glasgow-Edmonton Road, Barren County, Kentucky. Realignment of 2.4 miles between new section in Glasgow to KY-80—US-68. Project F-543(4), March 22.

S.R. 54: widening existing road to dual lane, limited access facility from south of Fulton to Holt Summit, Missouri. Purpose: to relieve congestion, March 22.

S.R. 33 (Trenholm Road): upgrading of 3.1 miles from 2- to 4-lanes from point near Belt Line Boulevard to point near Rock-ridge Road, Columbia, *South Carolina*. Part of Columbia Area Transportation Study to meet transportation needs of Columbia, March 22.

Bryan Drive and Extension Project, Myrtle Beach (by-pass), *South Carolina*. Construc-tion of 10.7 miles of 2-lane road. Purpose: to enhance traffic circulation in and around Myrtle Beach business district, March 22.

S.R. 5: Madison County, Tennessee. Con-struction of 4-lane divided rural highway for 5.16 miles along existing route. Purpose: to relieve present congestion on this section. Project F-005-2() . March 22.

S.R. 65 (US-431): widening, straightening and leveling of 8.5 miles of highway be-tween the Davidson County Line at Sycamore Creek, Tennessee and S.R. 11 (US-41) in Springfield, Tennessee. Length of project: 8.51 miles. Project F-005-4() ; March 22.

S.R. 5: Chester County, Tennessee. Con-struction of a 4.92 miles 4-lane divided rural section .7 miles south of S.R. 100 to the Chester-Madison County Line. All but 1.5 miles will be on the existing location. Project F-005-2() ; March 22.

S.R. 29: realignment from New River Bridge to 1 mile north of S.R. 63, Scott County, Tennessee. Length of project: 3 miles. Pro-ject 76001-0214-04; March 22.

S.R. 53: Jackson County, Tennessee. Be-gins at junction of S.R. 85 with S.R. 53 and extends northwesterly 8.6 miles to south of the Clay County line. Purpose: better align-ment of existing road, to promote industrial and recreational growth of this economically depressed region. Project APD-063-2() ; March 22.

S.R. 62: West Knoxville, Tennessee. Con-struction of 3.1 miles of expressway from I-640 near Hinton Road, east to Oldham Avenue Interchange on I-75. Many families in slum-like neighborhood would be dis-placed. Project U-083-2() ; March 22.

Route 39 freeway: construction of from 15.9 to 18.4 miles of freeway from Lamp-son Avenue to Route 60 (Pomona) freeway. Los Angeles and Orange Counties, California. An 8-lane freeway is proposed. Construction not planned to start for over 10 years. Route is through urbanized areas. Some alternate routes would affect parks; March 23.

I-185-1: construction of 35 miles of free-way from north of Columbus to I-85, Troup, Harris, Muscogee Counties, Georgia. Purpose: to provide access from Columbus to the in-terstate highway system; March 23.

I-380: construction of highway from Water-loom to Cedar Rapids, Iowa. Statement out-lines 7 alternate routes; March 23.

US-666/180: Springerville-Clifton Highway (Nutriosa-Alpine section). Corridor reloca-tion and widening, etc. of 2½ miles of high-way, Nutriosa, Arizona. Will require about 60 acres of a scenic meadow. Project F-051-1; March 24.

S.R. 88: Arizona secondary highway proj-ect S-214(8), Roosevelt Dam-Globe Highway (Apache Trail), Pinto Creek section. Mari-copa County, Arizona. Involves improvement of 13 miles of scenic S.R. 88 to a 40 foot road-way. Project S-214(8); March 24.

F.H. 100: Minarets Summit, Sierra National Forest, Madera County, California. Exten-sion of F.H. 100 by replacing 1-lane dirt road with 2-lane paved facility from Arch Rock to a point near the Clover Ranger Station. Length of project 7.5 miles. Pro-ject: to facilitate harvest of timber, improve access to recreation and scenic areas, etc.; March 24.

Athens East Bypass: 4-lane, 2 mile long highway beginning ¼ mile east of US-441 and West Whitehall Road, to a terminus with US-441 south of the Clarke-Oconee County line, Georgia. Project F-FG-055-1(6); March 24.

First section of new freeway from Hamil-ton, Ohio to I-71. All new location. This sec-tion is from I-75 in Butler County to I-71 in the vicinity of Western Row Road. Will require part of a golf course and the reloca-tion of some homes and businesses. Unpro-gramed project BUT/WAR-129-15.32/0.00; March 24.

US-281: from Hidalgo-Brooks County line north to .8 mile north of the Brooks-Jim Wells County line. Plan to convert 34 miles of 2-lane highway to 4-lane divided highway. Texas; March 24.

I-20-1: completion of construction of 4-lane highway between the Alabama state

line and S.R. 61 in Villa Rica, Georgia. Involves two projects, one is 11.4 miles long and the other is 12.3 miles. Purpose: to provide safe limited access highway for through traffic. Project I-20-1(2) 00; March 25.

South Midtown Freeway: Kansas City, Missouri. Construction of a limited access 8-lane highway to connect Route 71 with the Kansas City Freeway network (I-70, I-35 interchange). Acquisition of right-of-way will affect 559 residences and 2 businesses. Park lands that will be affected by the project are covered by a 4(f) submitted to the DOT regional office 1/6/71 for determination. Project U-UG-71-4(13); March 25.

From I-29 to S.R. 13: Brookings County, South Dakota. Reconstruction of 8.5 miles. Involves grading, widening, a new bridge over Medary Creek, etc. Purpose: to accommodate increased traffic. Project S-5271; March 25.

US-27S.R.1: Chattooga County, Georgia. Construction of 4.5 mile bypass from US-27 at end of S.R. 48 to point 1/2 mile north of Trion, Georgia. Purpose: provide alternative to congested travel through Summerville and Trion. Project F-017-3(17); March 25.

US-18 and 60: construction of a new crossing of US-18 and 60 over the Mississippi River between Marquette, Iowa and Prairie du Chien, Wisconsin. Consists of 2 large river structures over the 2 main channels, a causeway between, necessary approaches, removal of two existing bridges, etc. Length of project about 2 miles. Purpose: replace rusting, inadequate structures. Project will require lands from the Upper Mississippi Wildlife Refuge. A4(f) was submitted to DOT 1/29/71. Project F-017-1(); March 25.

I-65 Chilton County, Alabama. 1.5 miles north of Alabama 145. Construction of rest areas with toilets, picnic areas, etc. on north and south bound lanes. Project I-65-2(18); March 26.

S.R. 59: project to make most of this route (from just south of Foley to S.R. 182) a 4-lane facility. Length of project: 9.39 miles. New intracoastal bridge will be built. Baldwin County, Alabama. Project S-0222(); March 26.

US-231: widening 1.4 miles from a 4-lane to a 6-lane facility. From Drake Avenue intersection to Clinton Avenue intersection. Slip ramps to one way frontage roads are planned. Huntsville, Alabama.

US-231: widening to 4 lanes and from north of Wallsboro, Alabama. Includes new bridge over Sofkahatchee Creek. Project S-475-F; March 26.

US-43 and US-72: construction of a bridge over the Southern Railway in Sheffield, Alabama. Length of project is .34 miles. Purpose: to alleviate delays due to rail traffic. Project F-FG-196(16); March 26.

S.H. 13: Richland County, North Dakota. Construction of two additional lanes making a 4-lane divided facility to connect Wahpetan and Breckenridge with I-29. Project F-8-013(02); March 26.

S.R. 642: upgrading of 7 miles to multi-lane divided highway from Ashley Phosphate Road in Dorchester County, South Carolina to location near Seaboard Coast Line Railroad in Charleston County. Will improve traveling between the proposed Outer Belt and Inner Belt Freeways, and improve access to Charleston Air Force Base; March 26.

S.R. 8 (APD J1-J4): new location for 12.8 miles with better alignment from S.R. 27 spur interchange via Falling Water Creek to 1 mile south of Sequatchie County line. Hamilton County, Tennessee; March 26.

S.H. 71: plans to develop existing section 4-lane divided highway from the east city limits of Bastrop to the Fayette County line. Bastrop County, Texas. Purpose: reduction of noise and air pollution in Smithville, etc.; March 26.

Lake St.-Jones St. Bridge: Eau Claire, Wisconsin. Replacement of Grand Avenue bridge over the Chippewa River structure and approaches. An approach street will be con-

structed on a portion of Owen Park. Project S 0150(); March 26.

Moreland Avenue: widening and reconstruction of 4.07 miles from Thurmond Drive to Custer Avenue, Atlanta, Georgia. Purpose: to replace 2 bridges in critical condition, relieve congestion, etc. Highway construction will require 925 square feet of South River Park. Project F-037-2(11); March 29.

I-70: Baltimore, Maryland. Construction of an elevated structure from junction of I-70 N to Pulaski Street, crossing railroad into Franklin-Mulberry corridor. Length of project .92 mile. Right-of-way will require 17 acres of park land (to be replaced with 10 acres). 4(f) report was approved by DOT on December 17, 1970; March 29.

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49 U.S.C. Section 1653(f).

Final

Title, Description, and Date

Southern Avenue Southeast: project will connect existing sections of this avenue. Will require use of land from Sultland Parkway and Oxon Run Park. Washington, D.C.; February 25.

I-71: proposed 2.5 miles of 8-12 lane freeway requires use of Burwood Playground (Norwood) and parts of Evanston Playground and Victory Park (Cincinnati), Ohio. Purpose: close last gap in Louisville-Cleveland link; March 1.

I-35W: highway construction requires use of lands from Wichita East High School, Willard Elementary School and McAdams Park. Purpose: to connect northern industrial area of Wichita with residential southern section. Kansas; March 3.

S.H. 11: highway construction requires use of 1.104 acres of Sulphur Springs Municipal Park, Texas. Purpose: to provide an efficient, safe, convenient route between S.H. 19 and the business district; March 3.

US-35: Ross County, Ohio. Use of lands from the Pleasant Valley Wildlife Area for highway purposes. 25 acres will be needed to straighten the highway. Other contiguous land may be substituted; March 3.

US-101: construction requires use of tiny Vinum Park in Arcata, California. Park used by about 50 children. City has endorsed plan to relocate park; March 3.

US-371: construction requires use of .48 acre of Pine River fairgrounds. Part of project to upgrade US-371 to 4-lane expressway. Pine County, Minnesota; March 3.

I-70-3: construction requires use of .75 acre from Rhodius Park—a small inner city park with playground, pool, etc. Purpose: to handle increased traffic. Indianapolis, Indiana; March 3.

I-10: proposed highway will cross Meginnis Arm Creek, a tributary of Lake Jackson (nationally famous fishing area). Leon County, Florida; March 9.

Revised 4(f) statement. Original dated 7/29/70. Comments from DOI and HUD prompted the revision. S.R. 802: new bridge and approaches will require land from golf course and Bryant Park. Palm Beach County, Florida; March 9.

Use of over 9 acres of Las Palmas Park in National City, San Diego County, California for highway purposes. (8.35 of these acres are in slope easement.) State will acquire 1.47 adjacent acres as replacement; March 17.

FAS 1301: request temporary use of 6 acres from the Delevan National Wildlife Refuge for a traffic detour while construction and removal work is done on bridges. Colusa County, California; March 19.

I-275: highway construction requires use of public lands proposed for development as a future park from Livonia, Wayne County, Michigan; March 19.

DEPARTMENT OF TRANSPORTATION

(U.S. Coast Guard)

Contact: William R. Riedel, DOT Coordinator, Water Resources, 400 7th Street SW., Washington, D.C. 20591, 426-2274.

Final

Title and Description and Date

Strait of Juan de Fuca, Washington, navigation project. Involves establishing 5 lighted buoys and 2 lights and by improving 10 existing navigation aids. Purpose: to help safe transit of deep-draft oil tankers expected to commence operation early in 1971; March 2.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Chuck Fabrikant, Director of Impact Statements Office, 1629 K St. N.W., Washington, D.C. 20460, 632-7719.

Final

Title, Description, and Date

Environmental impact statements for the following legislative proposals of the EPA: the Water Pollution Control Act (proposed amendments), the Marine Protection Act, Toxic Substances Control Act, and the Pesticide Control Act. (Note: CEQ proposed revised guidelines do not require that draft statements be made public on legislative proposals. A draft of this statement was circulated to relevant agencies but it was not listed in the *Monitor*.) March 13.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G St. NW., Washington, D.C., 20426, 386-6084.

Final

Title, Description, and Date

FPC's findings and order on Transcontinental Gas Pipe Line Corp. (Docket No. CP71-30) and Eastern Shore Natural Gas Co. (Docket No. CP71-48), after statutory hearing issuing certificates of public convenience and necessity and granting petitions for leave to intervene. The former company was granted a certificate to construct and operate facilities on and off Texas and to transport gas from Texas to Pennsylvania. Eastern Shore was granted a certificate to construct and operate facilities in Delaware and transport natural gas from Pennsylvania to Delaware; March 25.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (343-6077).

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-ADF, 343-4161.

Draft

Title, Description, and Date

Conveyance of 61.78 acres of the former Camp Adair Air Force Station in Benton County, Oregon, to the United States International University; March 2.

Disposal of property of the former U.S. Army Strategic Communications Command facility, Yolo County, California. Plans to transfer 643.05 acres to Deganawidah-Quetzalcoatl University for educational purposes; March 2.

Addendum to above draft statement. Concerns proposed assignment to HEW of this acreage. GSA has assigned the facility to HEW for the purpose of permitting the property to DQU; March 4.

Negotiated sale of the former Sweetwater, Texas, Air Force Station and Family Housing Annex. The release of the interest of the U.S. in 16.38 acres leased from the city of Sweetwater is also involved. Purpose: to enable Sweetwater to provide a campus for the Texas State Technical Institute for the operation of a training school; March 15.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546, 962-8107.

Draft

Title, Description, and Date

Langley Field Research Center, Langley Field, Virginia. Description of the Center and its mission as well as its impact on the environment. (Explains how radioactive waste is disposed of, etc.); March 1.

NASA Quiet Engine Program. The General Electric Company is doing this research for the NASA Lewis Research Center, Ohio. Aim of this 38 month program is to design, fabricate and conduct an aeronautical evaluation of experimental bypass fan engine of the 22,000 pound thrust class that is 15 to 20 PNdB quieter. (This is the same thrust as engines on the 707 and DC-8.); March 1.

Lewis Research Center, Cleveland and Plum Brook Stations, Ohio. Covers the impact of these facilities on the environment (how they dispose of radioactive wastes, etc.) as well as describing their work in pollution control and other areas; March 1.

John F. Kennedy Space Center, Cape Kennedy, Florida. Description of mission and the facilities and their environmental impact; March 1.

Space Shuttle Program. Purpose is to develop a reusable spacecraft to economically transport pay loads to and from orbit. Will be developed to meet needs of both DOD and NASA. Possible noise pollution and deposition of water vapor in upper atmosphere, etc.; March 1.

Ames Research Center, Moffett Field, California. Description of the facility, its mission, and possible environmental impact. Work is done with radioactive isotopes, toxic chemicals, etc., that are disposed of by a contractor. Exhaust from arc jets, sawdust accumulation in the carpenter shop and noise from the wind tunnel are mentioned; March 12.

Flight Research Center, Edwards, California. Description of facility and its environmental impact. Conduct liquid and solid propellant research. Noise from jets and rockets, sonic booms, air pollution from exhaust gases are potential environmental effects; March 12.

Goddard Space Flight Center, Greenbelt, Maryland. Description of facility and its environmental impact. Mentions air pollution from Central Utility Plant, and propulsion research facility; March 12.

Wallops Station, Wallops Island, Virginia. Description of facility, its mission, and environmental impact. Includes mention of planned release of a barium cloud at a high altitude. Conduct launch operations; March 12.

Jet Propulsion Laboratory, Pasadena, California. Operated for NASA under contract by the California Institute of Technology. Description of facility, its mission, its environmental impact; March 12.

Marshall Space Flight Center, Huntsville, Alabama. Describes facility, its mission, and its environmental impact including air pollution from plating facility (plans are to install scrubbers to remove toxic gases); March 12.

Apollo Program. Managed by NASA's Manned Space Flight organization (Washington, D.C., Huntsville, Alabama; Houston, Texas; Kennedy Space Center in Florida.) Description of launches and their environmental effect. Statement mentions a number of potential impacts on the environment, none thought to be serious by NASA. For example, a number of exhaust products are introduced into the atmosphere, about 5,000 gallons of residual fuel are dispersed in the ocean (it rapidly volatilizes) some hardware is dropped, about 170 pounds of toxic propellants are consumed by reaction control thrusters on reentry, there is the un-

likely possibility of contamination from the moon, etc. A fuel capsule of 3800 grams of 238 Plutonium Dioxide is aboard. It is judged to be no hazard even if a mission aborts. Three more Saturn V missions are planned; March 12.

Skylab Program. Three phase project beginning April, 1973, and continuing for 8 months. Involves launching 3 separate 3-man crews to work in an earth orbiting workshop for periods of up to 2 months. Saturn V launch vehicle will have same possible environmental impacts as Apollo. About 100 pounds per day of wastes will be released to the exosphere from the workshop. No detrimental environmental effect on earth is anticipated. Purpose: to learn more about solar astronomy, space medicine, space physics, materials processing and earth resources; March 12.

Manned Spacecraft Center, Houston, Texas, and White Sands Test Facility, New Mexico. Describes environmental impact of these facilities and their current and planned activities. The test facility is in a remote location where NASA can run hazardous tests associated with development of the Apollo Spacecraft Propulsion Systems; March 23.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, (615) 755-2002.

Draft

Title, Description, and Date

Policies relating to sources of coal used by TVA for electric power generation. TVA's explanation of the environmental impact of their coal mining and the precautions they take in both strip and underground mining. Kentucky, Tennessee, Illinois; March 19.

INTERNATIONAL BOUNDARY AND WATER COMMISSION—UNITED STATES AND MEXICO

Contact: Joseph F. Friedkin, Commissioner, (915-532-5476).

Alternate contact: T. M. Martin, ARA/Mex., Department of State, Room 3906A, Washington, D.C. 20520, (632-1317).

Draft

Title, Description, and Date

Hidalgo-Reynosa international channel relocation project. Proposed relocation of 1.6 miles of Rio Grande channel through land now in Mexico will transfer sovereignty of 481.68 acres to the U.S. as partial accomplishment of the objectives of the treaty signed November 23, 1970. Texas; March 16.

PLEASE NOTE THE FOLLOWING CORRECTIONS

In Vol. 1, No. 1 of the 102 Monitor we said that a final statement had been received for Corps of Engineers channel improvement for flood control on the Souris River at Minot, North Dakota (p. 28). What was actually received on November 31, 1970 was comments. The final was received this month (p. 18).

Also: The Department of Agriculture incorporated both the East and West Sector watershed projects of the White River Watershed, Kansas in the final sent January 29. In Vol. 1 No. 2 it referred only to the East Sector (p. 28).

[United States of America, Federal Power Commission (18 CFR Part 2, §§ 4.40, 5.1 157.14(a))]

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, DOCKET NO. R-398

(Order No. 415, Adding Sections 2.80 through 2.82 to Part 2—General policy and interpretations—and amending parts 4 and 5, sections 4.40 and 5.1 of regulations under the Federal Power Act and subchapter E, section 157.14(a) of regulations under the Natural Gas Act (issued December 4, 1970)

Before Commissioners: John N. Nassikas, Chairman; Lawrence J. O'Connor, Jr., Carl

E. Bagge, John A. Carver, Jr., and Albert B. Brooke, Jr

On September 17, 1970, the Commission issued a Notice of Proposed Policy Statement and Rulemaking (35 F.R. 14848, September 24, 1970),¹ wherein it proposed to amend Parts 4 and 5 of the Regulations under the Federal Power Act and Subchapters E of the Regulations under the Natural Gas Act as well as add Sections 2.80-2.83 to Part 2 of its General Rules, in order to implement the requirements of § 102(2)(C) of the National Environmental Policy Act, 83 Stat. 852, 853.

Eighteen responses were filed in this proceeding suggesting a variety of modifications and amendments in the proposed rules. All suggestions were carefully studied and several were adopted as indicated hereinafter.

The rules adopted set forth the policy and procedural guidelines that we will follow in exercising our responsibilities under the National Environmental Policy Act of 1969 with regard to the licensing of hydroelectric facilities under Part I of the Federal Power Act and the issuance of certificates of public convenience and necessity under Section 7(c) of the Natural Gas Act. Rather than formalizing specific rules to deal with our legislative environmental responsibilities at this time, we have decided to defer action in this area pending experience with the legislative procedures of the Council on Environmental Quality's Interim Guidelines and the Office of Management and Budget's Bulletin 71-3. We will, of course, continue to meet our responsibilities in the legislative environmental area as now prescribed by law.

None of the parties filing in this proceeding have questioned the propriety of the Commission adopting a policy and rules in compliance with the National Environmental Policy Act. Most of the critical comments were directed at various details of the procedural steps we proposed, such as, for example, the timing of filing environmental statements and responses thereto and the proper distribution of statements and comments filed with the Commission. A number of the comments were adopted. However, no beneficial purpose would be served, by a complete enumeration of the comments received and the action taken in response to them.

Comments dealing with the basic substantive principles of the proposed rules and requests for significant changes were filed in some cases. We do believe these points deserve special discussion.

The environmental criteria to be evaluated in the preparation of detailed environmental statements as prescribed in § 102(2)(C) of the National Environmental Policy Act, 83 Stat. * * * rules we are adopting today. Since these are the specific criteria we are required to evaluate in the preparation of detailed environmental statements to accompany our major actions having environmental significance we believe it is proper to require applicants and environmental interveners in Commission proceedings to address themselves to these same considerations. We have, however, in response to some of the comments filed in this proceeding, revised § 2.80 as proposed to provide examples of the kinds of values and considerations that should be evaluated in the context of the five specific criteria we have incorporated from the National Environmental Policy Act. It should be emphasized that these examples are merely illustrative, and not an exhaustive listing of factors that should be considered in the preparation of detailed environmental statements.

The addition of these considerations also serves the useful purpose of further clarifying the scope and nature of a detailed environmental statement. The requirement of

¹ On September 29, 1970, an amendment was issued (35 F.R. 16324, October 17, 1970).

this kind of analysis in cases having environmental significance is in the public interest in that it helps assure the fullest possible examination of environmental values and assists us in complying with the statutory standards of the National Environmental Policy Act and our enabling legislation.

The Commission's mandate under the Federal Power Act to fully evaluate environmental considerations is articulated in *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 F. 2d 608, (CA2, 1965), cert. denied sub nom *Consolidated Edison v. Scenic Hudson Preservation Conference*, 384 U.S. 941, and *Udall v. Federal Power Commission*, 387 U.S. 428 (1967). In *Scenic Hudson* the Second Circuit ruled that "[t]he Commission must see to it that the record is complete. The Commission has an affirmative duty to inquire into and consider all relevant facts." 354 F. 2d at 620. The requirements imposed by the rules we have adopted represent the kind of affirmative action we must take to assure a complete record. As the Supreme Court said in the *Udall* case, the Commission must satisfy the test that the proposed project is in the public interest. "And that determination can be made only after an exploration of all issues relevant to the 'public interest' . . ." 387 US at 450. We believe these rules will enable us to explore all such relevant issues.

The Commission fully recognizes and accepts its responsibilities under the comprehensive planning mandate of § 10(a) of the Federal Power Act, 16 U.S.C. 803(a), and the standards of § 102(2)(C) of the National Environmental Policy Act, 83 Stat. 853. The regulations we are adopting in this proceeding in no way diminish the burden placed on the Commission by those statutory provisions. Nor do these regulations in any way nullify the Commission's obligations to render decisions based on the fullest possible evaluation of all pertinent information. They also do not negate our duty and that of our staff to take all reasonable and relevant efforts to insure that our decisions are based on a complete record. Rather, the regulations adopted today help assure that all practicable avenues of information and evidence will be explored and developed prior to our determination of the merits of cases falling within the purview of these regulations.

In order to correct the misunderstanding of some who submitted comments, we have clarified our intent in §§ 2.81(c) and 2.82(c). We have deleted the requirement that environmental interveners submit detailed environmental statements pursuant to § 2.80, although we preserve their right to do so. The rules now make it clear that environmental interveners are required to file with the Commission at a time to be specified an explanation of the environmental position they are advancing including therein a discussion of that position in the context of the factors from the National Environmental Policy Act specified in § 2.80. We believe this requirement is in the public interest in that it helps assure exposure and consideration of all relevant issues by insuring that all environmental issues will be raised before the initial decision. Absent an affirmative duty on all parties to raise issues and supply evidence in support thereof during the evidentiary phase of a hearing, the Commission cannot be certain that a complete record is before them. To relieve some parties from this duty would be to encourage dilatory tactics.

We have, in response to comments filed by the Council on Environmental Quality on November 30, 1970, changed the procedures outlined in §§ 2.81(b) and 2.82(b) to include preliminary staff analysis of the detailed environmental statements supplied by applicants. Should this analysis of the statement

reveal any deficiencies as to the sufficiency of its form, the staff will request the necessary revisions before the statement is made available to governmental agencies for comment. In this way, we can help assure that all relevant environmental factors will become part of the record at the earliest opportunity and subject to evidentiary proceedings as to content while insuring that applicants have given due regard for the environment before making an application.

Two respondents have urged that we change the scope of § 2.81(a) by requiring detailed environmental statements to accompany applications for minor project licenses. One respondent has advocated restricting the application of the rules to projects with 10,000 h.p. capacity or more. It is our determination that neither of these suggestions is appropriate or in the public interest and that pending evidence to the contrary we will require the submission of detailed environmental statements with respect to hydroelectric matters only in conjunction with the applications for major project licenses and activities specified in § 2.81(a). In any event, it should be noted that all our jurisdictional activities with respect to hydroelectric facilities are subject to the comprehensive planning standard of the Federal Power Act.

In adopting these regulations we have adhered as closely as possible to the Council on Environmental Quality's Interim Guidelines governing the preparation of detailed environmental statements. (35 F.R. 7390, May 12, 1970). Pending experience in implementing the regulations and in the event of revisions in the Guidelines or amendments to the National Environmental Policy Act, changes may be indicated at some future date.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission are consistent and in accordance with all procedural requirements therefor as prescribed in 5 U.S.C. 553.

(2) The amendments to the Commission's regulations adopted herein are necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the National Environmental Policy Act.

The Commission acting pursuant to the provisions of the Federal Power Act, particularly sections 4, 10, 15, 307, 809, 311, and 312 (41 Stat. 1065, 1068, 1069, 1070, 1072, 1353, 46 Stat. 798, 49 Stat. 839, 842, 843, 844, 856, 858, 859, 61 Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830, 56 Stat. 83, 84, 61 Stat. 459; 15 U.S.C. 717f, 717g), and the National Environmental Policy Act of 1969, P.L. 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854) orders:

(A) Part 2, Subchapter A, Chapter I, Title 18, Code of Federal Regulations is amended by adding thereto the following:

(1) The table of contents at the beginning of Part 2—General Policy and Interpretations is amended by adding at the end thereof a new subdivision heading and section titles reading as follows:

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

2.80 Detailed Environmental Statement

2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act

2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act

(2) The text of Part 2 is amended by adding at the end thereof the following heading and new §§ 2.80 through 2.82 reading as follows:

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

§ 2.80 DETAILED ENVIRONMENTAL STATEMENT.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (Act) in its regulation under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, a detailed environmental statement in all major Federal actions and in all reports and recommendations on environmental legislative proposals which will significantly affect the quality of the human environment.

Therefore, in compliance with the National Environmental Policy Act of 1969 we will make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have such an environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 of this Part shall fully develop the five factors listed hereinafter in the context, among other relevant environmental factors, of such considerations as the proposed activity's direct and indirect effect on the ecology of the land, air and water environment of the project or natural gas pipeline facility, and on aquatic and wildlife, and established park and recreational areas as well as on sites of natural, historic, and scenic values and resources of the area, and the conformity of the proposed activity with all applicable environmental standards. Such statement should also deal with the justification of the proposed activity as compared to its alternatives. These factors are listed to merely illustrate the kinds of values that must be considered in the statement; in no respect in this listing to be construed as covering all relevant factors.

(1) the environmental impact of the proposed action,

(2) any adverse environmental effects which cannot be avoided should the proposal be implemented.

(3) alternatives to the proposed action,

(4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) A notice of all applications for major projects (those in excess of 2,000 horsepower) or for reservoirs only providing regulatory flows to down-stream (major) hydroelectric projects under Part I of the Federal Power Act for license or relicense, or amendment to license proposing construction or operating change in project works will be transmitted by the Commission to the Council on Environmental Quality and to appropriate governmental bodies, Federal, regional, State and local with a request for comments on the environmental considerations listed in § 2.80 of this Part. Notice of all such applications shall also be made as prescribed by law.

(b) All applications covered by paragraph (a) of this section shall be accompanied by the applicant's detailed statement of the environmental factors specified in § 2.80. The staff shall make an initial review of the applicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form, and cause the applicant's statement, as revised, to be made available to all governmental bodies given notice pursuant to paragraph (a) of this section. The applicant shall supply ten copies of the statement, as revised, to the Council on Environmental Quality.

(c) All interveners taking a position on environmental matters shall file with the Commission an explanation of their environmental position, specifying any differences with the applicant's detailed statement upon which interveners wish to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. The views of the Council on Environmental Quality, if any, should be made in a written statement served upon the Commission staff and all parties of record at a time specified by the Presiding Examiner.

(f) In the case of non-contested applications the staff shall prepare a detailed statement as prescribed in § 2.80 based on its analysis of the application's environmental impact and all matters of record and shall serve such statement on the applicant. The Council on Environmental Quality shall be supplied with 10 copies of such statement, and other appropriate Federal and State agencies shall be supplied with one copy, each of them shall be afforded 30 days in which to submit any written comments they may care to offer. Within 10 days thereafter the applicant may file written responses to the staff's statement and the comments received thereon. The Commission will consider all comments submitted prior to acting on the application. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(g) Ten copies of all comments from governmental bodies—Federal, regional, State and local—received pursuant to this section shall also be transmitted to the Council on Environmental Quality by the party filing such comments at the time of filing with the Commission.

§ 2.82 Compliance with the National Environmental Policy Act of 1969 Under the Natural Gas Act.

(a) A notice of all certificate applications filed under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), except abbreviated applications filed pursuant to Section 157.7 (b), (c), (d) and (e) of the Commission's Regulations, will be transmitted by the Commission to the Council on Environmental Quality. Notice of all certificate applications will continue to be published as prescribed by law, and transmitted to other appropriate Federal and State governmental bodies.

(b) All applications within the scope of paragraph (a) of this section shall be accompanied by the information prescribed in paragraph 157.14 (6-d) of this Chapter and shall include an environmental analysis of the construction and operating program of the proposed project considered in its totality. If the Commission then concludes that a detailed statement will be required as part of the Commission's order, public notice will be given requiring the applicant to file a detailed statement as prescribed in § 2.80. The staff shall make an initial review of the ap-

plicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form, and cause the applicant's statement, as revised, to be made available to all governmental bodies given notice pursuant to paragraph (a) of this section. The applicant shall supply ten copies of the statement, as revised, to the Council on Environmental Quality.

(c) All interveners taking a position on environmental matters shall file with the Commission an analysis of their environmental position, specifying any differences with the applicant's detailed statement upon which interveners wish to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. The views of the Council on Environmental Quality, if any, should be made in a written statement served upon the Commission staff and all parties of record at a time specified by the Presiding Examiner.

Furthermore, the Initial Decision of the Presiding Examiner in such cases should include an evaluation of the environmental factors enumerated in § 2.80 and the views expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(f) When the Commission determines that its action on an application which is otherwise subject to the Commission's non-contested procedures will have a significant environmental effect, the staff shall prepare a detailed statement as prescribed in § 2.80 based on its analysis of the application's environmental impact and all matters of record and shall serve such statement on the applicant. The Council on Environmental Quality shall be supplied with 10 copies of such statement, and other appropriate Federal and State agencies shall be supplied with 1 copy; each of them shall be afforded 30 days in which to submit any written comments they may care to offer. Within 10 days thereafter the applicant may file written responses to the staff's statement and the comments received thereon. The Commission will consider all comments submitted prior to acting on the application. If the Commission grants the application, its final order shall include a detailed environmental statement as specified in § 2.80.

(g) Ten copies of all comments from governmental bodies—Federal, regional, State and local—received pursuant to this section shall also be transmitted to the Council on Environmental Quality by the party filing such comments at the time of filing with the Commission.

(B) Section 4.40 in Part 4, Subchapter (b), Chapter I, Title 18, Code of Federal Regulations is amended by redesignating paragraph (1) as paragraph (m) and substituting a new paragraph (1) as follows:

§ 4.40 Contents: of statements to be filed with

(1) Those applications within the purview of § 2.81(a) of Part 2 of Chapter I must be accompanied by a detailed statement of the environmental factors enumerated in § 2.80.

(C) Section 5.1 in Part 5, Subchapter (B), Chapter I, Title 18, Code of Federal Regulations is amended by inserting a new sentence between the first and second sentences. As amended this portion of section 5.1 will read as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. Furthermore, the provisions of § 2.81(a) of Chapter 1 shall apply to all applications for amendment of license as defined therein. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least 30 days prior to action upon the application. * * *

(D) Paragraph (a) of Section 157.14, in Subchapter E, Chapter I, Title 18, Code of Federal Regulations is amended by adding a new subparagraph (6-d) to read as follows:

§ 157.14 Exhibits

(a) To be attached to each application.

(6) Exhibit F—Location of facilities.

(6-d) Exhibit F-IV—Statement by the Applicant concerning the requirements of the National Environmental Policy Act of 1969, Public Law 91-190, 83 Stat. 852, Title I, Section 102.

The applicant shall provide a brief statement concerning the following factors:

(i) the environmental impact of the proposed actions.

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented.

(iii) alternatives to the proposed action.

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(E) The amendments herein adopted shall become effective upon the issuance of this order.

(F) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

GORDON M. GRANT,
Secretary.

[From the Federal Register, Dec. 4, 1971]

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

(Title 10—Atomic Energy, Chapter 1—Atomic Energy Commission, Part 50—Licensing of Production and Utilization Facilities)

On June 3, 1970, the Atomic Energy Commission published for comment in the FEDERAL REGISTER proposed amendments to its regulations in 10 CFR Part 50, Appendix D, a statement of general policy that indicates how the Commission will exercise its responsibilities under the National Environmental Policy Act of 1969, Public Law 91-190, with respect to the licensing of power reactors and fuel reprocessing plants (35 F.R. 8594). The proposed amendments would revise Appendix D to reflect (1) the guidance of the Council on Environmental Quality, and (2) the en-

actment of the Water Quality Improvement Act of 1970.

REVISED APPENDIX D AS PUBLISHED FOR COMMENT

Under revised Appendix D set out in the notice of proposed rulemaking, applicants for construction permits for nuclear power reactors and fuel reprocessing plants would be required to submit with the application a separate report on specified environmental considerations. Applicants for operating licenses for such facilities would be required to submit a report discussing the same environmental considerations, to the extent that they differ significantly from those discussed in the report submitted at the construction permit stage.

Copies of such reports would then be transmitted by the Commission, with a request for comments, to Federal agencies designated by the Council on Environmental Quality as having "jurisdiction by law or special expertise with respect to any environmental impact involved" or as "authorized to develop and enforce environmental standards" as the Commission determines are appropriate. A summary notice of availability of such reports would be published in the FEDERAL REGISTER, with a request for comment on the proposed action and on the report from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards.

After receipt of the comments of the Federal, State, and local agencies, the Commission's Director of Regulation or his designee would prepare a Detailed Statement on the environmental considerations, including, where appropriate, a discussion of problems and objections raised by such agencies and the disposition thereof. In preparing the Detailed Statement, the Director of Regulation or his designee could rely, in whole or in part, on, and incorporate by reference, the appropriate Applicant's Environmental Report, and the comments thereon submitted by Federal, State, and local agencies, as well as the regulatory staff's radiological safety evaluation.

Revised Appendix D as published for comment provided that both the Applicant's Environmental Reports and the Detailed Statements would be required with respect to water quality aspects of the proposal covered by section 21(b) of the Federal Water Pollution Control Act, to include only a reference to the certification issued pursuant to section 21(b) or to the basis on which such certification is not required. License conditions imposed under Appendix D, requiring observance of standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved, would not apply to matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act.

The types of materials licenses to which procedures and measures similar to those for nuclear power reactors and fuel reprocessing plant licenses would be applied were indicated in the notice of proposed rulemaking.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 30 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER on June 3, 1970. The Commission has received a number of comments reflecting a variety of, and sometimes conflicting, points of view. All comments have been carefully considered. A number of the comments received are discussed below. Upon consideration of these comments and other factors involved, the Commission has adopted the revised Appendix D set out below.

SIGNIFICANT CHANGES FROM PROPOSED APPENDIX D

Before discussing the new or amended provisions of Appendix D as adopted by the Commission, it is considered appropriate to point out, by way of background, that the Commission, under the Atomic Energy Act of 1954, as amended, is required to hold a public hearing at the construction permit stage for, among other facilities, each nuclear power reactor and fuel reprocessing plant. This hearing is required whether or not there is a contest regarding the issuance of the permit. At the operating license stage there is opportunity for a further public hearing at the request of any person whose interest may be affected by the proceeding. A central purpose of these hearings under the Atomic Energy Act of 1954, as amended, is to provide an open, public review of the radiological effects of the facility on the environment.

In section 102 of the National Environmental Policy Act of 1969, the Congress authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in that Act. While this provision does not specifically refer to Federal licensing of private activities, the Commission has interpreted it to embrace licensing to the extent and in the manner described below. Consequently, in implementing the National Environmental Policy Act of 1969, attention has been directed to non-radiological environmental effects as well as radiological effects.

With respect to nuclear power plants, the principal environmental effects are radiological effects, and the thermal effects of cooling water discharges. There are other environmental effects as well—for example, in the areas of noise, recreation, esthetics, etc. In view of the Commission's new responsibilities under the National Environmental Policy Act of 1969, it has recognized that some environmental amenities and values are presently quantified and that some are as yet unquantified. The Commission has sought to give appropriate recognition to both categories, as well as to take into account the traditional role played by State and local governments in the protection of the environment.

The significant new or amended provisions of Appendix D as adopted by the Commission are:

1. The Commission believes that the preservation of environmental values can best be accomplished through the establishing of environmental quality standards and requirements by appropriate Federal, State, and regional agencies having responsibility for environmental protection. In the case of water quality, the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970, has established a system of federally approved State standards for water quality and a requirement that Federal licensing agencies be provided a certification from the appropriate State, interstate, or Federal authority that there is reasonable assurance that the activity to be licensed will be conducted in a manner which will not violate applicable water quality standards. The Commission urges the appropriate agencies to proceed promptly to establish standards and requirements for other aspects of environmental quality.

2. In a proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or fuel reprocessing plant, any party to the proceeding may raise as an issue whether the issuance of the permit or license would be likely to result in a significant adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, consideration will

be given to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need to meet on a timely basis the growing national requirements for electric power.

With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose. In any event there will be incorporated in construction permits and operating licenses a condition to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved.

3. In order to provide an orderly period of transition in the conduct of the Commission's regulatory proceedings and to avoid unreasonable delays in the construction and operation of nuclear power plants urgently needed to meet the national requirements for electric power, the issues described in paragraph 2 above may be raised only in proceeding in which the notice of hearing in the proceedings is published on or after March 4, 1971.

4. The issues described in paragraph 2 above would not apply to (a) radiological effects since radiological effects are considered pursuant to other provisions of Part 50 or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act.¹ If any party raised any issue as described in paragraph 2 above, the Applicant's Environmental Report and the Detailed Statement would be offered in evidence.

5. If no party to such a proceeding, including AEC staff, raised any issue as described in paragraph 2 above, those issues would not be considered by the atomic safety and licensing board. Under such circumstances, although the Applicant's Environmental Report, comments thereon, and the Detailed Statement will accompany the application through the Commission's review process, they will not be received in evidence, and the Commission's responsibilities under the National Environmental Policy Act of 1969 will be carried out in toto outside the hearing process.

6. If any of the issues described in paragraph 2 above were properly raised by a

¹Under section 21(b) the Commission is generally prohibited from issuing a construction permit or operating license for a facility discharging effluents into navigable waters without having received a certificate from the State or interstate water pollution control agency or the Secretary of the Interior, as appropriate, that there is reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards. (Under Reorg. Plan No. 3 of 1970, the function of the Secretary of the Interior in this regard will be exercised by the Administrator of the Environmental Protection Agency.) In addition, as noted in paragraph 7c, the AEC will include a condition in construction permits and operating licenses for power reactors and fuel reprocessing plants to the effect that the licensee shall comply with all applicable requirements of section 21(b).

party to the proceeding, the atomic safety and licensing board would make findings of fact on and resolve the matters in controversy among the parties with regard to those issues. Depending on the resolution of those issues, the permit or license could be granted, denied or appropriately conditioned to protect environmental values.

7. In addition, revised Appendix D will:

(a) Require, as soon as practicable, the filing of Environmental Reports by holders of construction permits and preparation of Detailed Statements in cases where a Detailed Statement has not previously been prepared;

(b) Provide for the inclusion of a condition to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved, in construction permits and operating licenses previously issued which do not contain such condition;

(c) Provide for the inclusion of a condition to the effect that the licensee shall comply with all applicable requirements of section 21(b) of the Federal Water Pollution Control Act, in construction permits and operating licenses whenever issues;²

(d) Require the discussion of water quality aspects of the proposed action, whether or not covered by section 21(b) of the Federal Water Pollution Control Act, in Environmental Reports and Detailed Statements;

(e) Provide that, after receipt of an Environmental Report, the Director of Regulation or his designee will prepare a draft Detailed Statement which, with the Environmental Report, will be circulated to cognizant agencies for comment, and that a final Detailed Statement will be prepared after receipt of comments on the draft Statement and Report.

DISCUSSION OF COMMENTS RECEIVED IN RESPONSE TO NOTICE OF PROPOSED RULEMAKING PUBLISHED JUNE 3, 1970

One comment raised questions as to the wisdom of the policy which Appendix D implements, and of the applicability of that policy to AEC licensing actions. The Commission is of the view that the National Environmental Policy Act of 1969 requires the AEC to take appropriate action to implement that Act, and that Appendix D, both in its proposed form and in the form adopted, expresses a reasonable, although not necessarily the only possible, technique of implementing the goals set forth in the Act.

The suggestion was made in the comments of the Calvert Cliffs Coordinating Committee, National Wildlife Federation, and the Sierra Club that the Commission should apply the requirements of Appendix D to holders of construction permits issued without consideration of environmental factors who have not yet applied for an operating license, and suspend the construction permits pending investigation of the environmental impact of the facility.³ Those comments also suggest

² The Commission intends to issue a separate statement of general policy and procedure to indicate in greater detail how it intends to exercise its responsibilities under section 21(b) of the Federal Water Pollution Control Act.

³ The suggestions of those commentators were also the subject of a petition for rulemaking by the same persons. The petition was denied in a notice published in the FEDERAL REGISTER on Aug. 6, 1970 (35 F.R. 12566). The notice of denial stated that the Commission would consider carefully, and address itself to the matter raised by the petition for rulemaking in the instant rulemaking proceeding. The same suggestions were also made by Scenic Shoreline Preservation

that the Commission require "backfitting" of facilities—that is, the addition, elimination, or modification of structures, systems, or components of a facility after a construction permit has been issued—if it finds that such action will provide substantial, additional protection of the environment.

Scenic Shoreline Preservation Conference, Inc., suggested that full compliance with the National Environmental Policy Act of 1969 be required for major Federal actions taken after January 1, 1971, and, with respect to Federal actions taken between January 1, 1970, and January 1, 1971, that the AEC issue to the licensee or permit applicant an order to show cause why that Act should not be fully enforced.

As noted above, the Commission has modified Appendix D to require, as soon as practicable, the filing of Environmental Reports by holders of construction permits who have not filed an application for an operating license, and preparation of Detailed Statements, in cases where a Detailed Statement has not previously been prepared. Paragraph 10 of proposed Appendix D (redesignated as paragraph 9) has been amended to provide that the condition described in that paragraph (requiring permittees and licensees to observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved) will also be included in permits and licenses previously issued which do not contain such a condition.

The suggestion that construction permits issued without prior consideration of environmental factors by the Commission be suspended pending the investigation of the environmental impact of the facility has not been adopted. Whether suspension is appropriate is a matter to be determined pursuant to Subpart B of the Commission's rules of practice, 10 CFR Part 2, in the light of requirements established in Appendix D as herein adopted.

The suggestion that "backfitting" be required for facilities under construction or already operating has also not been adopted. In the Commission's program for the regulation of facilities, the primary times of decisionmaking are at the issuance of the construction permit, and at the issuance of the operating license. The pattern for implementation of the requirements of the National Environmental Policy Act of 1969 outlined in revised Appendix D contemplates that consideration of environmental impact in the Commission's decisionmaking process will be given primarily at the construction permit stage so as to afford the greatest latitude for early, appropriate action. Environmental matters differing significantly from those considered at the construction permit stage, or when the first Environmental Report is filed as described in paragraph 7a above, would, however, be considered at the operating license stage. The Commission believes that this approach affords the full review of environmental matters in connection with agency decisionmaking required by the National Environmental Policy Act of 1969 and, together with the condition described in redesignated paragraph 9 of revised Appendix D, reflects a reasonable balancing of the various public interest considerations involved.

Calvert Cliffs Coordinating Committee, National Wildlife Federation, and the Sierra Club also urged that since the Water Quality Improvement Act of 1970 (Public Law

Conference, Inc., in a petition for rulemaking filed July 13, 1970. The discussion herein is also applicable to the suggestions contained in that petition.

91-244) only requires certification of compliance with applicable water quality standards for projects for which construction was begun after April 3, 1970, the Commission is constrained, under the National Environmental Policy Act of 1969, to determine what water quality standards should be applied to facilities under construction before April 3, 1970, and whether the facility will conform to them. The Commission remains of the view that the requirements of section 21(b) of the Federal Water Pollution Control Act supercede pro tanto the more general environmental requirements of sections 102 and 103 of the National Environmental Policy Act of 1969. It should be noted, however, that Appendix D has been revised to (1) indicate that water quality aspects of the proposed action should be discussed in Applicant's Environmental Reports and in Detailed Statements and (2) provide for the inclusion in construction permits and operating licenses of conditions requiring compliance with the applicable requirements of section 21(b).

One comment urged that the atomic safety and licensing board should hear evidence concerning environmental matters pass on the adequacy of the Detailed Statement and make findings concerning environmental impact. Other comments pertained to the content of the Applicant's Environmental Report and the Detailed Statement, service of copies, notification of parties, and admissibility of such Reports, Statements, and other material relating to environmental protection in evidence. Under revised Appendix D, Environmental Reports, Detailed Statements, and other material dealing with environmental effects could be introduced in evidence and made a part of the record for decision in facility licensing proceedings under the above-described circumstances. If such material were offered and/or received in evidence, Commission rules pertaining to evidentiary material would, of course, apply. Copies of FEDERAL REGISTER notices of the availability of Environmental Reports and draft Detailed Statements and information pertaining to agencies receiving and requesting copies of such Reports and comments will be available on request, without specific provision in Appendix D.

It was also requested that the Federal, State, and local agencies having jurisdiction by law or special expertise with respect to environmental impact to which applicable Environmental Reports are submitted, and agencies authorized to develop and enforce environmental standards, be identified. The Commission does not consider it practical to do so in the regulation, since the particular agencies having expertise may not necessarily be the same in each case. With respect to State and local agencies, the notice provided in the FEDERAL REGISTER and the notice provided to the Governor of the State in which the facility is to be located are intended to assure that the appropriate agencies are notified.

Several comments evidenced some uncertainty concerning the statement in paragraph 5 of Appendix D to the effect that, with respect to the operation of nuclear power reactors, it is expected that in most cases the Detailed Statement will be prepared only in connection with the first licensing action that authorizes full power operation of the facility.

The intent of that statement was to identify the particular operating licensing action in connection with which the Detailed Statement would be omitted at the construction permit stage. This has been made clear in revised Appendix D set out below.

One comment suggested that the requirement for the submission of Applicant's Environmental Reports be modified to permit submission as soon after the submission of the application as practicable. In view of the

desirability of an early resolution of questions related to the environment impact of nuclear facilities, as indicated in the interim guidelines published by the Council on Environmental Quality on May 12, 1970 (35 F.R. 7390). It is not considered advisable to extend the time for filing such Reports.

The Atomic Energy Council of the State of New York and the General Electric Co., in their comments, requested clarification of proposed Appendix D with respect to determinations as to the applicability and validity of, and compliance with, State standards and requirements for the protection of the environment. Paragraphs 11, 12, and 13 in revised Appendix D clarify those matters.

A suggestion was made that comments on Applicant's Environmental Reports at the operating license stage be solicited from Federal and State agencies only as to environmental considerations that differ significantly from those discussed in the Environmental Report previously submitted with the application for a construction permit. Paragraphs 3 and 4 of revised Appendix D provide that such comments will be requested only as to environmental matters that differ significantly from those considered at the construction permit stage.

It may be noted that the Commission would, as a matter of practice, routinely send a copy of Applicant's Environmental Reports and of Detailed Statements to the Governor of any affected State(s) or his designee(s). It should also be noted that the Commission intends to provide appropriate guidance as to the scope and content of Applicant's Environmental Reports.

In its consideration of Appendix D, the Commission has recognized the public interest in protecting the environment as well as the public interest in avoiding unreasonable delay in meeting the growing national need for electric power.

The public is demanding substantially more electric power, and it is expecting the power to be available, without shortages or blackouts. Electric power use in the United States has been doubling about every 10 years. If prevailing growth pattern and pricing policies continue, electric power capacity may need to triple or quadruple in the next two decades. Meanwhile during the coming winter and summer and for the next few years, there is a real electric power and fuel crisis in this country.⁴

Various authoritative statements and reports have stressed that the urgent near term need for electric power requires that delays be held to an absolute minimum. Also reports looking to the implementation of improved institutional arrangements on siting of power plants recommend procedures for expediting the process consistent with protection of the environment. Thus in the Report "Electric Power and the Environ-

ment" published by the Energy Policy Staff of the Office of Science and Technology in August 1970, in which all of the Federal agencies responsible for environmental and power programs participated, the Basic Findings stated:

New public agencies and review procedures must take into account the positive necessity for expediting the decision-making process and avoiding undue delays in order to provide adequate electric power on reasonable schedules while protecting the environment.

The Commission believes that revised Appendix D takes into account the necessity for avoiding undue delays in order to provide adequate electric power and that it reflects a balanced approach toward carrying out the Commission's environmental protection responsibilities under the National Environmental Policy Act of 1969 and the Atomic Energy Act of 1954, as amended. Its main concern here has been to find out and strike a reasonable balance of those considerations in the overall public interest. The Commission expects that revised Appendix D will be implemented to that end.

Pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter 1, Code of Federal Regulations, Part 50 is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions for consideration in connection with the amendment to send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given to such submission with the view to possible further amendments. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

(Appendix D is revised to read as follows:)

APPENDIX D—STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91-190)

On January 1, 1970, the National Environmental Policy Act of 1969 (Public Law 91-190) became effective. The stated purposes of that Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Section 101(b) of that Act provides that, in order to carry out the policy set forth in the Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources toward certain stated ends.

In section 102 of the National Environmental Policy Act of 1969 the Congress authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in the Act. All agencies of the Federal Government are required, among other things, to include in every recommendation or report on proposals for legislation and other major Federal

actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on certain specified environmental considerations. Prior to making the detailed statement, the responsible Federal official is required to consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

Since the enactment of the National Environmental Policy Act of 1969, the President has issued Executive Order 11514, dated March 5, 1970, in furtherance of the purpose and policy of that Act, and the Council on Environmental Quality established by title II of that Act has issued interim guidelines to Federal departments, agencies and establishments for the preparation of the detailed statements on environmental considerations (35 F.R. 7390, May 12, 1970).

On April 3, 1970, the Water Quality Improvement Act of 1970 (Public Law 91-224) became effective. That Act redesignated section 11 of the Federal Water Pollution Control Act as section 21 and amended redesignated section 21 to require, in subsection 21(b)(1), any applicant for a Federal license or permit to conduct any activity, including the construction or operation of a facility, which may result in any discharge into the navigable waters of the United States, to provide the Federal licensing agency a certification from the State in which the discharge originates, or from an interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates, or the Secretary of the Interior, in cases where water quality standards have been promulgated by the Secretary under section 10(c) of the Federal Water Pollution Control Act or where the State or interstate agency has no authority to give such certification, that there is reasonable assurance, as determined by such certifying authority, that the activity will be conducted in a manner which will not violate applicable water quality standards.

The Commission expressly recognizes the positive necessity for expediting the decision-making process and avoiding undue delays in order to provide adequate electric power on reasonable schedules while at the same time protecting the quality of the environment. It expects that its responsibilities under the National Environmental Policy Act of 1969, as set out below, and the Federal Water Pollution Control Act, will be carried out in a manner consistent with this policy in the overall public interest.

Pending the issuance of further guidance by the Council on Environmental Quality and consistent with the public interest in avoiding unreasonable delay in meeting the growing national need for electric power, the Commission will exercise its responsibilities under the National Environmental Policy Act and the Atomic Energy Act of 1954, as amended, as follows:

1. Each applicant for a permit to construct a nuclear power reactor or a fuel reprocessing plant shall submit with his application one hundred and fifty (150) copies, including one reproducible copy, of a separate document, to be entitled "Applicant's Environmental Report—Construction Permit Stage," which discusses the following environmental considerations:

- The environmental impact of the proposed action,
- Any adverse environmental effects which cannot be avoided should the proposal be implemented,
- Alternatives to the proposed action,
- The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- Any irreversible and irretrievable commitments of resources which would be in-

⁴ Chairman Nassikas of the Federal Power Commission stated, at hearings before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, on August 3, 1970: "The current situation is such that little leeway remains for additional delays if the country is to avoid critical future shortages in meeting anticipated real power needs."

In a "Statement on the Fuel Situation for the Winter of 1970-71," Paul W. McCracken, Chairman, Council of Economic Advisers, and General George A. Lincoln, Director, Office of Emergency Preparedness, said:

"We have continued to study the energy supply situation and find that as winter approaches the nation faces a potential shortage in the supplies of natural gas, residual fuel oil and bituminous coal. The potential shortage appears to be more serious in some regions of the country than in others, but no section is completely immune from concern."

involved in the proposed action should it be implemented.

Each holder of a permit to construct a nuclear power reactor or a fuel reprocessing plant issued without the Detailed Statement described in paragraph 5 having been prepared, who has not filed an application for an operating license, shall submit one hundred and fifty (150) copies, including one reproducible copy, of an Environmental Report as soon as practicable.

2. Each applicant for a license to operate a nuclear power reactor or a fuel reprocessing plant shall submit with his application one hundred and fifty (150) copies, including one reproducible copy, of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same environmental considerations described in paragraph 1, but only to the extent that they differ significantly from those discussed in the Applicant's Environmental Report previously submitted with the application for a construction permit, if any. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report previously submitted with the application for a construction permit, if any. With respect to the operation of nuclear power reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full-power operation of the facility.¹

3. After receipt of any Applicant's Environmental Report, the Director of Regulation or his designee will analyze the report and prepare a draft Detailed Statement of environmental considerations. The draft Detailed Statement may consist, in whole or in part, of the comments of the Director of Regulation or his designee on the Applicant's Environmental Report. The Commission will then transmit a copy of the report and of the draft Detailed Statement to such Federal agencies designated by the Council on Environmental Quality as having "jurisdiction by law or special expertise with respect to any environmental impact involved" or as "authorized to develop and enforce environmental standards" as the Commission determines are appropriate, with a request for comment on the report and the draft Detailed Statement within thirty (30) days.² Comments on an "Applicant's Environmental Report—Operating License Stage" and on the draft Detailed Statement prepared in connection therewith will be requested only as to environmental matters that differ significantly from those previously considered at the construction permit stage. The Commission may extend the period for comment if it determines that such an extension is practicable. If any such Federal agency fails to provide the Commission with comments within thirty (30) days after the agency's receipt of the report and draft Detailed Statement or such later date as may have been specified by the Commission, it will be presumed that the agency has no comment to make.

4. Upon receipt of any Applicant's Environmental Report and preparation of a draft Detailed Statement³ in connection therewith, the Commission will cause to be published in the FEDERAL REGISTER a summary notice of the availability of the re-

port and the draft Statement. (In accordance with § 2.101(b) of Part 2, the Commission will also send a copy of the application to the Governor or other appropriate official of the State in which the facility is to be located and will publish in the FEDERAL REGISTER a notice of receipt of the application, stating the purpose of the application and specifying the location at which the proposed activity will be conducted.) The summary notice to be published pursuant to this paragraph will request, within sixty (60) days or such longer period as the Commission may determine to be practicable, comment on the proposed action and on the report and the draft Statement, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. Comments on an Applicant's Environmental Report—Operating License Stage and the draft Detailed Statement prepared in connection therewith will be requested only as to environmental matters that differ significantly from those previously considered at the construction permit stage. The summary notice will also contain a statement to the effect that a copy of the report and the draft Statement and comments of Federal agencies thereon will be supplied to such State and local agencies on request. If any such State or local agency fails to provide the Commission with comments within sixty (60) days of the publication of the summary notice or such later date as may have been specified by the Commission, it will be presumed that the agency has no comment to make.

5. After receipt of the comments requested pursuant to paragraphs 3, and 4., the Director of Regulation or his designee will prepare a final Detailed Statement on the environmental considerations specified in paragraph 1, including, where appropriate, a discussion of problems and objections raised by Federal, State, and local agencies and the disposition thereof. In preparing the Detailed Statement, the Director of Regulation or his designee may rely, in whole or in part, on, and may incorporate by reference, the appropriate Applicant's Environmental Report, and the comments submitted by Federal, State, and local agencies pursuant to paragraphs 3, and 4., as well as the regulatory staff's radiological safety evaluation. The Detailed Statement will relate primarily to the environmental effects of the facility that is subject to the licensing action involved.

Detailed Statements prepared in connection with an application for an operating license will cover only those environmental considerations which differ significantly from those discussed in the Detailed Statement previously prepared in connection with the application for a construction permit and may incorporate by reference any information contained in the Detailed Statement previously prepared in connection with the application for a construction permit. With respect to the operation of nuclear power reactors, it is expected that in most cases the Detailed Statement will be prepared only in connection with the first licensing action that authorizes full-power operation of the facility.⁴

6. With respect to water quality aspects of the proposed action covered by section 21(b) of the Federal Water Pollution Control Act, the Environmental Reports submitted by applicants pursuant to paragraphs 1., and 2., and the Detailed Statements prepared pursuant to paragraph 5, shall include a reference to the certification issued pursuant to section 21(b) or applied for or

to be applied for pursuant to that section, or to the basis on which such certification is not required. Such reports and statements shall include a discussion of the water quality aspects of the proposed action, whether or not they are covered by section 21(b) of the Federal Water Pollution Control Act.⁴

7. The Commission will transmit to the Council on Environmental Quality copies of (a) each Applicant's Environmental Report, (b) each draft Detailed Statement, (c) comments thereon received from Federal, State, and local agencies, and (d) each Detailed Statement prepared pursuant to paragraph 5. Copies of such reports, draft statements, comments and statements will be made available to the public as provided by section 552 of title 5 of the United States Code, and will accompany the application through the Commission's review processes. After each Detailed Statement becomes available, a notice of its availability will be published in the FEDERAL REGISTER.

8. With respect to proceedings which take place in the transitional period required to establish the new procedures described in this appendix, it is recognized that the Detailed Statements may not be as complete as they will be after there has been an opportunity to coordinate those procedures, with the other agencies involved, and, further, that some period of time may be required before full compliance with the procedures themselves can be achieved.

9. The Commission will incorporate in all construction permits and operating licenses for power reactors and fuel reprocessing plants, whenever issued a condition, in addition to any conditions imposed pursuant to paragraphs 12 and 14, to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved. This condition will not apply to (a) radiological effects since radiological effects are dealt with in other provisions of the construction permit and operating license, or (b) matter of water quality covered by section 21(b) of the Federal Water Pollution Control Act since the requirements of section 21(b) supersede pro tanto the more general requirements of sections 102 and 103 of the National Environmental Policy Act of 1969.⁵ This condition shall also not be constructed as extending the jurisdiction of this agency to making an independent review of standards or requirements validly imposed pursuant to authority established under Federal and State law.

10. The Commission believes that the preservation of environmental values can best be accomplished through the establishing of environmental quality standards and requirements by appropriate Federal, State, and regional agencies having responsibility for environmental protection. The Commission urges the appropriate agencies to proceed promptly to establish such standards and requirements.

11. (a) Any party to a proceeding for the issuance of a construction permit for an operating license for a nuclear power reactor or a fuel reprocessing plant may raise as an issue in the proceeding whether the issuance

⁴ With respect to water quality aspects of the proposed action covered by said section 21(b), such a discussion need not be included in cases where the Applicant's Environmental Report has been submitted by the applicant prior to Dec. 4, 1970.

⁵ Paragraph 14 provides for the inclusion of separate condition requiring compliance with applicable requirements of section 21 (b) of the Federal Water Pollution Control Act.

¹ This report is in addition to the report required at the construction permit stage.

² A draft Detailed Statement will not be prepared in cases where the Applicant's Environmental Report has been transmitted to the cognizant agencies for comment prior to Dec. 4, 1970.

³ This Statement is in addition to the Statement prepared at the construction permit stage.

of the permit or license would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, consideration will be given to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need to meet on a timely basis the growing national requirements for electric power. The above-described issues shall not be construed as including (a) radiological effects, since radiological effects are considered pursuant to other provisions of this part or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. This paragraph applies only to proceedings in which the notice of hearing in the proceeding is published on or after March 4, 1971.

(b) With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose.

(c) In any event, there will be incorporated in construction permits and operating licenses a condition to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved.

12. If any party to a proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant raises any issue described in paragraph 11, the Applicant's Environmental Report and the Detailed Statement will be offered in evidence. The atomic safety and licensing board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issues. Depending on the resolution of those issues, the permit or license may be granted, denied, or appropriately conditioned to protect environmental values.

13. When no party to a proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant raises any issue described in paragraph 11, such issues will not be considered by the atomic safety and licensing board. Under such circumstances, although the Applicant's Environmental Report, comments thereon, and the Detailed Statement will accompany the application through the Commission's review processes, they will not be received in evidence, and the Commission's responsibilities under the National Environmental Policy Act of 1969 will be carried out in toto outside the hearing process.

14. The Commission will incorporate in all construction permits and operating licenses for power reactors and fuel reprocessing plants, whenever issued, a condition, in addition to any conditions imposed pursuant to paragraphs 9 and 12, to the effect that the licensee shall comply with all applicable requirements of section 21(b) of the Federal Water Pollution Control Act.

Nothing in this Appendix shall be construed as affecting (a) the manner in which the Commission obtains advice from other agencies, Federal and State, with respect to

the control of radiation effects, or (b) the other, and separate, provisions of the construction permit and operating license which deal with radiological effects.

Procedures and measures similar to those described in the preceding paragraphs of this appendix will be followed in proceedings other than those involving nuclear power reactors and fuel reprocessing plants when the Commission determines that the proposed action is one significantly affecting the quality of the human environment. The Commission has determined that such proceedings will ordinarily include proceedings for the issuance of the following types of materials licenses: (a) Licenses for possession and use of special nuclear material for fuel element fabrication, scrap recovery and conversion of uranium hexafluoride; (b) licenses for possession and use of source material for uranium milling and production of uranium hexafluoride; and (c) licenses authorizing commercial radioactive waste disposal by land burial. The procedures and measures to be followed with respect to materials licenses will, of course, reflect the fact that, unlike the licensing of production and utilization facilities, the licensing of materials does not require separate authorizations for construction and operation. Ordinarily, therefore, there will be only one Applicant's Environmental Report required and only one Detailed Statement prepared in connection with an application for a materials license. If a proposed subsequent licensing action involves environmental considerations which differ significantly from those discussed in the Environmental Report filed and the Detailed Statement previously prepared in connection with the original licensing action, a supplementary Environmental Report will be required and a supplementary Detailed Statement will be prepared. (Sec. 102, 83 Stat. 853; secs. 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201)

Dated at Washington, D.C., this 3d day of December 1970.

For the Atomic Energy Commission,
W. B. MCCOOL,
Secretary of the Commission.

[From U.S. Atomic Energy Commission AEC Manual, May 28, 1970]

ATOMIC ENERGY COMMISSION INTERIM OPERATIONAL PROCEDURES FOR IMPLEMENTING SECTION 102(2)(C) OF THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969"

The National Environmental Policy Act of 1969 (NEPA), Executive Order 11514 (E.O. 11514) dated March 5, 1970, and the Interim Guidelines (Guidelines) of the Council on Environmental Quality (Council) dated April 30, 1970, provide that environmental considerations are to be given careful attention and appropriate weight in every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the human environment.

The following interim procedures have been adopted by the Atomic Energy Commission (AEC) to implement Section 102(2)(C) of the NEPA, E.O. 11514 and the Guidelines (copy of each attached).

These interim procedures are applicable to all units and organizations of the AEC reporting to or through the General Manager (GM) of the AEC.

PURPOSE

These procedures are intended to provide guidance for:

- (1) Identifying those AEC actions requiring environmental statements;
- (2) Obtaining information and internal AEC review required for the preparation of environmental statements;
- (3) Designating the officials who are to be responsible for preparation, review and signing of the statements;

(4) Consulting with and taking into account the comments of appropriate Federal, State and local agencies; and

(5) Meeting requirements for providing timely public information on proposals for legislation and for other major actions having a potential significant adverse effect on the human environment.

INTERNAL REVIEW PROCEDURE

Budget process

(a) The requirements of the NEPA, E.O. 11514 and the Guidelines shall be met through the AEC budget process to the maximum extent practicable.

Proposed Project or Activity Resulting from Fiscal Year (FY) 1971 and Prior Annual Authorization and Appropriations Legislation

Each Program Division Director shall review such portions of the FY 1971 and prior annual AEC authorization and appropriations legislation for which he has programmatic or budgetary responsibility and identify, after consultation as appropriate with the Field Office Manager, Special Assistant for Environmental Affairs (SA/EA), the Assistant General Manager for Operations (AGMO), and the General Counsel (GC), any proposed project or activity not yet undertaken which appears to have the potential to have significant adverse effect on the quality of the human environment. A draft statement should be prepared for each such project or activity for consideration by the Commission.¹ Preparation of such statement, to the extent practical, shall be in accordance with (1) (c) below.

Proposed Projects or Activities for Fiscal Year 1972 and Subsequent Fiscal Year Budgets

a. Field Office Managers shall promptly instruct all contractors participating in the AEC budget process to prepare and submit by July 31, 1970, brief analyses of any potential adverse environmental impact of proposed line items, major General Plant Projects (GPP) or equipment items, and other proposed new activities provided for in their respective budget submission for FY 1972. Such analyses shall be included as a part of each subsequent FY budget submission.

b. Such analyses shall be prepared by Field Office Managers (Directors of Program Divisions as appropriate) for such projects or activities to be conducted by AEC directly or through contractors not participating in the budget process.

(b) With respect to any such proposed project or activity (i.e., line items, major GPP or equipment items, or other activity, identified by B.2a or b above) which a Program Division Director decides to support for inclusion in the AEC budget, the Program Division Director, in consultation with the SA/EA, AGMO, and GC, shall determine whether any such proposed project or activity has the potential to have a significant adverse effect on the quality of the human environment. Where such potential is determined to exist, the Program Division Director shall direct the preparation of a draft environmental statement. The statement shall be submitted for the review of SA/EA, AGMO, and GC.

(c) The draft environmental statement shall be prepared in accordance with Item

¹ The AGMO is authorized to delegate to or obtain assistance from any AEC unit or organization reporting to or through the GM in carrying out his responsibilities under these procedures.

² Commission means the Commission of five members or a quorum thereof.

³ The AGMO will have the statement reviewed as appropriate by Divisions and offices having special expertise in environmental matters, e.g., Operational Safety, Biology and Medicine, and Division of Reactor Development and Technology.

7 of the Guidelines, except with respect to water quality aspects. In that case the statement should indicate compliance with the applicable standards of the Federal Water Pollution Control Act, as amended (see sec. 21(a) as amended by the Water Quality Improvement Act of 1970), or an explanation as to why those standards cannot be met.

(d) Following such review with respect to projects or activities proposed for inclusion in FY 1972 budgets and subsequent FY budgets, the initiating division will forward a draft statement to the Controller who will incorporate it as part of the information to be considered by the Budget Review Committee (BRC). The BRC will recommend to the GM whether or not such projects or activities should be included in the AEC budget. With regard to projects or activities so recommended for inclusion and for such other projects as the GM may direct, the AGMO will prepare a paper for discussion with the Commission, which will include recommendations concerning the following:

1. Whether or not a project or activity should be deemed to constitute a major Federal action which significantly affects the quality of human environment.

2. The method for obtaining comments of other Federal agencies and the agencies from which comments should be sought.

3. The method for obtaining comments of State and local agencies and the agencies from which comments should be sought.

4. Proposed public information program regarding each project or activity.

5. The content of the draft environmental statement.

(e) Projects or activities identified in (1) (a) (1) above as requiring a draft statement shall be prepared and forwarded by the Program Division Director to the AGMO who will prepare a paper for discussion with the Commission which will include recommendations concerning items 1 through 5 of (1) (d). The SA/EA will advise the GM with respect to the recommendations.

Major actions involving changes or additions to present operations

(a) Field Office Managers shall promptly instruct all contractors to prepare brief analyses of the environmental impact of any proposed major change in continuing projects or activities or of proposed new projects or activities, not identified by the process described in (1) (a) 1 or 2 above, which have a potential for a significant adverse effect on the quality of the human environment.

For AEC direct operations and those conducted through contractors not participating in the budget process the analyses shall be prepared by Field Office Managers (Directors of Program Divisions as appropriate). Analyses for which the Field Office Managers are responsible shall be submitted to the appropriate Division Director having program or budgetary responsibility.

(b) Where the potential for a significant adverse effect on the human environment is identified from the analyses prepared under (2) (a) above, the Program Division Director, after consultation as appropriate with the SA/EA, AGMO and the GC, shall prepare a draft statement and forward it to the AGMO who will follow the applicable procedures set forth in (1) (e) above.

Comment on environmental statements

(a) Except as otherwise provided by the Bureau of the Budget (BOB) the AGMO shall be responsible for obtaining comments of Federal agencies and State and local agencies in accordance with Item 9 of the Guidelines. Ordinarily comments of State and local agencies will be obtained by publication of the draft statement in the Federal Register.

(b) Time to be Allowed for Comment

1. Federal agencies—not less than 30 days.
2. State and local agencies—not less than 60 days.

Final environmental statement

After receipt of comments from Federal agencies and State and local agencies a final environmental statement shall be prepared taking into account such comments. This statement shall be prepared by the AGMO after appropriate consultation with the Program Director, SA/EA and the GC for a signature by the GM. Copies of the statement will be forwarded to the Council in accordance with (6) below.

Responsible official

All final environmental statements will be prepared for the signature of the GM who is hereby designated the "responsible official."

Distribution of statement to council

In accordance with Item 10(b) of the Guidelines.

Recommendations for reports on non-AEC proposed legislation

AEC reports on legislation initiated outside AEC shall be developed in accordance with Item 6 of the Guidelines and as provided by the BOB.

Staff papers

All papers on which Commission action is expected relating to proposed projects and activities shall include information on the anticipated environment impact.

AEC POLICY DETERMINATIONS

In addition to the criteria set forth in D. below for determining whether a proposed project or activity has the potential to significantly affect the quality of the human environment, the AEC has determined as a matter of policy that an environmental statement will be prepared in accordance with Sec. 102(2)(C) of the NEPA in connection with proposed projects or activities which involve the following:

- (1) New AEC Power and Production reactors.
- (2) Reactivation of existing AEC Power and Production reactors.
- (3) Cooperative arrangements with industry for the construction of demonstration nuclear power plants.
- (4) Establishment of long-term AEC waste storage facilities.
- (5) Fuel Element Reprocessing facilities.
- (6) Nuclear cratering tests conducted on the Nevada Test Site (NTS) or the Supplemental Test Site in Nevada (STS).
- (7) Plowshare experimental projects not conducted at NTS or STS.
- (8) Nuclear test conducted on the Island of Amchitka, Alaska.
- (9) Nuclear test of more than one megaton conducted at NTS or STS. Statements will be prepared on an individual test basis.
- (10) Nuclear test programs of one megaton or less conducted at NTS or STS. Statements will be prepared annually covering the total program.

CRITERIA FOR DETERMINING WHETHER A PROPOSED PROJECT OR ACTIVITY HAS THE POTENTIAL TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT

(1) The Interim Guidelines (*Federal Register* dated May 12, 1970).

(2) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases.

(3) Section 102(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade

the quality of the environment or serves short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH FEB. 28, 1971 (BY PROJECT TYPE)

Project	Draft statements ¹	Final statements ²	Total actions ³
Airplanes.....	0	1	1
Airports.....	26	18	44
Beach erosion.....	1	12	13
Buildings/property.....	8	1	9
Bridges.....	7	2	9
Defense systems.....	1	0	1
Flood control.....	26	85	111
Forestry.....	3	3	6
Natural gas transportation.....	0	1	1
Housing/urban problems.....	3	0	3
Hurricane protection.....	1	0	1
Insecticides/herbicides.....	2	1	3
International boundary.....	2	0	2
Irrigation.....	2	0	2
Legislation.....	2	7	9
Mass transit.....	2	0	2
Food inspection.....	2	0	2
Military disposal.....	3	1	4
Mining.....	4	2	6
Navigation.....	8	56	64
New communities.....	0	1	1
Nuclear industry.....	1	2	3
Nuclear research.....	1	0	1
Nuclear testing.....	2	1	3
Oil.....	1	2	3
Parks, wildlife refuges.....	0	2	2
Pipeline (oil).....	1	0	1
Power (nuclear).....	20	12	32
Power (nonnuclear).....	8	3	11
Power transmission.....	2	1	3
Radioactive waste disposal.....	1	0	1
Railroads.....	1	0	1
Resource hauling.....	1	0	1
Roads (excluding 4(f)'s).....	105	2	107
Water resources.....	9	9	18
Space program.....	14	0	14
Watersheds.....	10	42	52
Weather modification.....	5	0	5
Total.....	285	267	552

¹ Draft statements for actions on which no final statements have yet been filed.

² Final statements on legislation and actions.

³ Total actions on which final or draft statements for Federal actions have been received.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH MAR. 31, 1971 (BY AGENCY)

Agency ¹	Draft 102's ²	Final 102's ³	Total actions ⁴
Agriculture.....	19	49	71
Appalachian Regional Commission.....	1	0	1
Army.....	1	0	1
Army Corps of Engineers.....	36	151	187
Atomic Energy Commission.....	25	15	40
Defense.....	3	2	5
Delaware River Basin Commission.....	1	0	1
Environmental Protection Agency.....	0	4	4
Federal Power Commission.....	2	4	6
General Services Administration.....	7	0	7
Housing and Urban Development.....	2	1	3
Interior.....	23	17	40
International Boundary and Water Commission—United States and Mexico.....	3	0	3
NASA.....	14	0	14
National Science Foundation.....	2	0	2
Tennessee Valley Authority.....	3	0	3
Transportation.....	141	24	165
Treasury.....	2	0	2
Total.....	285	267	552

¹ "4(f)" statements received from DOT are not included.

² Draft 102's for actions on which no final 102's have yet been received.

³ Final 102's on legislation and actions.

⁴ Total actions on which final or draft 102 statements for Federal actions have been received.

PESTICIDES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MICHEL. Mr. Speaker, one of the important issues before Congress today is the question of national policy on the use of pesticides.

This is another of those areas in which unbridled emotionalism can prove highly damaging. I believe we can best serve the long-range national interest by seeking a balanced, reasonable approach, and—to quote the following editorial—“long and careful study of all the facts.”

I want to call to the attention of my colleagues this excellent editorial from the April 17 issue of the *Prairie Farmer*, which helps put the pesticide issue into better perspective:

THE LINK BETWEEN FARM CHEMICALS, FOOD PRICES

Recently we heard two views expressed on what were considered serious problems that confront America. On a national network radio program a newsmen spoke of “rising public anger” over pesticide poisoning. He spoke apprehensively about the “200 people killed annually by pesticides.” It’s actually closer to 115, according to the American Medical Association. But he didn’t say half of the deaths were children under 10 due to careless storage and that 30 were due to the much-criticized phosphates and chlorinated hydrocarbons. We could add that about 170 die each year from careless use of aspirin.

By inference, the speaker condemned the “farm bloc congressmen who are hindering efforts to ban pesticides.” He wondered darkly how much longer the public would put up with it.

A national magazine questioning people about what irked them most said, “Food prices are galling to almost everyone.” A Texas housewife said, “The prices of groceries thoroughly disgusts me.” Said a Cleveland woman, “I swore I wouldn’t blink an eye at the price, but when it (a rib roast) turned out to be \$9 I cried inwardly all the way home.”

What none of these speakers may have considered is what would happen to food prices if farm chemicals were banned. In 1969 an economist estimated that food prices at the grocery could rise 50% without farm chemicals. We doubt that the consumer would long tolerate such a development. Critics say we need to use new and safer compounds, and we agree.

But what company will research new compounds if there is little chance of their being used? The research and development time and cost required to put a new pesticide on the market is now about 10 years and \$10 million.

Both house and senate committees have been critically examining the place of farm chemicals and their effect on the environment. There is an ever-present danger that emotion and ignorance will override common sense.

Obviously, the need for pesticides is critical, but congress just as clearly faces a serious decision in how they should be handled. By the same token, farmers should use restraint and discretion to avoid criticism and pollution of any kind.

We don’t think any farm chemical should be banned at this time. However, we do see some merit in the suggestion that farm chemicals be classified, perhaps into 3 categories: (1) those that are harmless and can

be used without restriction, (2) those that require a licensed custom operator, and (3) those that are mortally hazardous and can be used only by special permit.

The gap of misunderstanding between town and country grows wider as the farm population diminishes. Few in the cities understand the fragile price margins in agriculture and the enormity of the farmer’s dependence on weather, chemicals, labor, and machinery as well as weed, insect, and disease control.

We trust that the decision on pesticide legislation will be made by congress only after long and careful study of all the facts. The superficial views of laymen offering flimsy evidence have no place in this decision.

ACTION ON THE ENVIRONMENT**HON. JAMES H. SCHEUER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHEUER. Mr. Speaker, our Nation is facing some crucial decisions in the years ahead regarding the future quality of each citizen’s life. Our population and technology are in a period of explosive growth that has produced disastrous environmental fallout. In the air, on land and sea we are discharging pollutants that are accumulating with increasing speed. In New York State alone we generate about 20 million tons of solid waste a year. Before the end of this century, we will need an area of land equal to six islands the size of Manhattan on which to dump all this trash and garbage. In every major city, the air rapidly becomes less breathable as automobiles, powerplants, and factories discharge tons of wastes and fumes into the atmosphere. Our lakes and rivers and seas are the unhappy dumping grounds for millions of tons of garbage and sewage from counties and municipalities across the country.

We must search for programs and policies that can begin now to right the wrong we have done to the world around us. I have originated several bills in Congress and joined in supporting others which promise to provide solutions to at least some of the environmental crises we are facing.

In the area of solid waste, I have originated two bills which are gaining wide support in both the House and the Senate. One would require a deposit on new automobiles that would provide an incentive for final disposal. Over 7 million automobiles are abandoned on city streets and country roads every year. This bill would allow the final owner of a car to collect the deposit when he had submitted proof of the car’s delivery to an authorized junk dealer.

The other bill would place a tax on nonreturnable bottles to encourage the use of deposit bottles. This bill would greatly reduce the litter and solid waste problem caused by one-way bottles. I have received some 11,000 unsolicited signatures on petitions supporting this bill.

I have also introduced legislation to tax leaded gasoline. Studies have shown

that automobiles are responsible for about 40 percent of air pollution. Lead in gasoline is the main offender, and my bill would make this additive to gasoline so expensive that fuel manufacturers would be reluctant to use it.

I am cosponsoring Representative RYAN’s bill to reduce noise pollution, one of the most painful and least discussed environmental problems faced by city dwellers. This bill would authorize grants for noise control programs to reduce if not eliminate the incessant, ever-present noise which assails us virtually 24 hours a day.

In the area of water pollution, I have joined with many other Congressmen in supporting a bill that would ban the use of dangerous chemicals in detergents. Every man, woman, and child in the United States uses 27.5 pounds of destructive detergents each year, poisoning our rivers and lakes, and destroying fish and natural resources. This legislation would prohibit the use in detergents of the most destructive element, phosphates.

I am also supporting legislation which would prevent the dumping of wastes into the ocean unless the person who wishes to dump them can demonstrate that his wastes will not endanger the natural environment and ecology of the area in which he plans to dispose of the matter.

There are other equally important measures I am supporting in the fight to save the environment. One would create a Joint Committee on the Environment in the Congress, uniting the expertise and experience that are currently spread over a large number of committees. The fractured distribution of responsibility for safeguarding the environment has greatly weakened the Federal effort to develop broad-ranging, multidisciplinary programs to cure and prevent our environmental ills. A joint committee would expand the activity and the responsibility of the Congress in seeking new methods and new resources to halt the deterioration of the quality of life in all 50 States.

I have cosponsored a bill to extend to ordinary citizens the right to file for damage done to the total environment by suing chronic polluters. Right now, for all practical purposes, only a governmental agency or prosecutor can file an antipollution action—and this authority is limited and frequently unused. This legislation would allow Bronx citizens to investigate and file suits against polluters in their own neighborhoods instead of going hat in hand to a governmental agency seeking help.

None of these measures promise easy answers or quick results in the battle to salvage our deteriorating environment. It is still necessary for each of us to examine our own day-to-day activities and the effect they have on the world around us. We are the polluters, each and every one of us, and it is up to us to make those changes in our way of life that will gradually bring us back to a cleaner, more livable world. I hope that the Congress’ actions on the measures I have supported will help us reach that goal.

THE PRESIDENT AS COMMANDER IN CHIEF: ANOTHER VIEW

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. McCLOSKEY. Mr. Speaker, for some months now, we have considered and debated the respective responsibilities of the Congress and the President with respect to the war power. Following repeal of the Gulf of Tonkin resolution on December 31, 1970, the issue has drawn increasing attention from constitutional lawyers. This month's issue of the American Bar Association Journal contains a thoughtful article on the problem by Charles A. Blackmar, professor of law at St. Louis University and a special assistant attorney general of the State of Missouri. The article follows:

THE PRESIDENT AS COMMANDER IN CHIEF: ANOTHER VIEW

(By Charles B. Blackmar)

For more than a decade the United States has been involved in armed combat in Indochina. Several Presidents have dispatched hundreds of thousands of men, many of them involuntary inductees. There have been aerial bombing and naval operations, and these have been directed in several countries in support of strategic or tactical objectives.

Our forces first entered the Republic of Vietnam (South Vietnam) at the request of its government to aid in the suppression of an insurrection. It was evident that the insurrection was heavily supported by troops and materiel supplied by the Democratic Republic of Vietnam (North Vietnam) and, through that conduit, by other Communist nations. President Johnson ordered strategic bombing operations deep inside North Vietnam. These were suspended in the hope of facilitating the pending peace negotiations in Paris, but with reservation of the possibility of renewal if the negotiations did not proceed in a satisfactory manner. The Nixon Administration has asserted the authority to engage in aerial operations wherever these are considered necessary for the protection of American forces, and the President has directed bombing missions in North Vietnam, Laos and Cambodia.

North Vietnamese forces had made free use of the territory of Cambodia, which had a "neutral" government lacking either the force or the will to inhibit the operations. Then there was a change in the government of Cambodia, and the United States embarked on ground operations in "sanctuaries" along the border between Cambodia and South Vietnam. The new government apparently felt that it could not express approval of the operations, but it certainly did not protest. President Nixon stated that his purpose was to protect American forces in Vietnam, so that they could continue in the Vietnamization program and be withdrawn sooner. He promised a strict limitation on the venture, with obvious deference to American public opinion, but made it clear that the limitation was a voluntary one and that he might resume operations or probe more deeply if he thought it necessary.

The entire venture in Indochina has proceeded without any express declaration of war. The Presidents have taken the initiative. There have been consultations with Congressional leaders and committees, but the Presidents usually have been in the position of telling Congress what they are going to do rather than of seeking advice. Con-

gress has shown virtually complete acquiescence, especially in the earlier stages of the operation. It has appropriated money and enacted draft laws and other supporting legislation, and at times it has prescribed severe penalties for unlawful manifestations of dissent.¹ The 88th Congress adopted the now repealed Tonkin Gulf Resolution, giving the President very broad authority for the use of ground and air forces in Southeast Asia.² Until late in 1967 the overwhelming weight of public opinion seemed to be behind the Indochina operations.

Then there was a dramatic change. The expected military successes did not materialize. Opposition to the war grew, both inside and outside Congress. Dissent became respectable. The war situation was surely the predominant factor in President Johnson's decision in 1968 not to seek another term. President Nixon promised the total withdrawal of American forces, while declining to specify a detailed timetable because of his fear of interfering with the Paris peace negotiations. Vocal opposition to the war became less intense, until the tranquility was shattered, at least temporarily, by the entry of American ground troops into Cambodia in May of 1970.

Cambodia gave rise to a series of Congressional proposals designed to limit the scope and duration of operations in Indochina. For almost the first time in history there was substantial Congressional support for the enactment of restrictions that would affect the President in his direction of military operations. Defenders of Presidential authority not only challenged the merits of the restrictive proposals but asserted that they would amount to an unconstitutional interference with the authority conferred upon the President by Article II, Section 2, of the Constitution:

"The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States. . . ."

My purpose is not to argue the merits of our involvement in Southeast Asia, or its possible extensions, but rather to discuss the constitutional problems presented by such proposals as Cooper-Church,³ McGovern-Hatfield⁴ and other proposals that surely will be presented so long as American involvement in Indochina continues. The specific occasion for my writing is Eberhard P. Deutsch's scholarly article, "The President as Commander in Chief", in the January, 1971, issue of this *Journal* (page 27), in which he expresses the following conclusion:

"Whenever a state of war exists—whether declared or undeclared—the President of the United States has, under the Constitution, as commander in chief, full and plenary power to conduct military operations in prosecution of the war, unhampered by anything in the nature of strategic restrictions." (Emphasis supplied.)

Mr. Deutsch suggests that attempted limitations by legislative action and similar proposals that may be made in the future are in derogation of the President's constitutional authority. His analysis necessarily gives rise to corollaries, as follows: (1) The President may order the Armed Forces into action in any part of the world, in support of his conception of the national interest; (2) He may extend the scope of operations by means of aerial bombing, naval bombardment, firing of missiles or other means; (3) Congress is without power to restrict the President in the exercise of his powers respecting the deployment and operations of the Armed Forces, except by disestablishing the forces or failing to furnish necessary material and supplies.

These broad propositions are contrary to the concept of popular government. The

legislature has a proper concern with any sustained military operation. Congress would be acting within the scope of its authority in proscribing operations in a particular nation or area. It would have the power to specify a date for the cessation of a particular military involvement. It could properly limit the dispersal of the Armed Forces and, especially, could restrict the areas in which drafted soldiers could be compelled to serve. The power to appropriate connotes the power to place restrictions on the appropriations in a manner designed to give effect to Congressional policies. Future debate over measures on the order of Cooper-Church or McGovern-Hatfield should deal with the merits of continuing, extending or restricting operations and not with fine points of constitutional authority or doctrine.

THE "INTENT OF THE FRAMERS" BALANCES PRESIDENT AND CONGRESS

Discussion of problems of constitutional interpretation logically begins with the language of the document and the available evidence about the intent of the members of the Constitutional Convention.

It perhaps proves too much to suggest that the framers would be horrified at the suggestion that the document they proffered would give the President the power to conduct a sustained military operation in a distant land, using what is essentially a conscript army, and without any authority in Congress to limit the scope or duration of the operation short of disestablishment of the Armed Forces. The framers had no conception of a situation in which there could be a military position bearing resemblance to Vietnam.

We must always remember, however, that the framers sought to design "a constitution, intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs".⁵

The constitutional language is quite emphatic in stating that there is a distribution of power between the executive and the legislature with regard to military matters. The "executive power" (Article II, Section 1) and "commander in chief" (Article II, Section 2) provisions are balanced by the language of Article I, Section 8, which gives Congress basic and substantial authority over military matters. Of prime importance, of course, is the express power to declare war. The power "to raise and support armies" is qualified by the injunction that "no appropriation of money to that use shall be for a longer term than two years". No other power of Congress is restricted in this manner. The restriction, interestingly, does not apply to the provision giving Congress power "to provide and maintain a navy". The two-year restriction necessarily means that Congress was expected to exercise surveillance over the Army in operation and, inevitably, over the President's stewardship in his capacity of commander in chief. Congress would not be able, at the commencement of a President's term, to appropriate funds for Army purposes for the duration of that term. Nor could one Congress bind a future Congress to a program of appropriation for maintenance and support of armies.

The essential purpose of specifying that the President is to be commander in chief of the Army and Navy is to maintain civilian control over the military. The clause also prevents Congress from investing a rival to the President by designating some person other than the President as commander of the military forces. Nothing in this particular clause, however, may be construed as a limitation on Congress in the exercise of its express powers, nor does the language of the clause give the President the authority to determine the scope and extent of military operations free from Congressional limitation or control. The Constitution says, in effect, that Congress may determine the ends of military operation and that the President

Footnotes at end of article.

has control of the means. Available contemporary authority seems to support this conclusion.⁶

"COMMANDER IN CHIEF" IN HISTORY AND
OPINION

The interpreters of a viable constitution must give account to history as well as to language. The expectations of the framers have not always worked out in practice. The elite electoral college, for example, became a puppet body, and any elector who departed from his voting pledge would surely be subject to severe criticism. President Washington made one futile attempt to secure the "advice" of the Senate in the negotiation of a treaty, and since that time he and his successors have done the negotiating themselves, through their chosen agents, and have then submitted the completed document for ratification.⁷ Prescription plays an important role in constitutional history and constitutional interpretation.

History shows many instances in which Presidents have directed the Armed Forces to engage in hostile operations, without prior Congressional authorization. Such uses of force have generally been approved by Congress, by public opinion and by historians. There are cases in which advance approval is impracticable and is not a condition precedent. (Whether the use of force is justified, of course, is a question of judgment.) The historical incidents do not support the claim that the Presidential authority must necessarily be free from Congressional limitation. It will facilitate analysis to classify the several incidents.

1. Limited Operations: Presidents have often directed the use of armed force for specific and limited purposes. In the early days of our history there were incidents arising from the Napoleonic Wars, with attendant threats to American neutrality, and also the operations against the Barbary pirates.⁸ During the first three decades of the twentieth century our forces were dispatched to Latin American countries with some regularity.⁹ More recently, in 1962, President Kennedy proclaimed the missile blockade of shipments to Cuba, and President Johnson directed troops into the Dominican Republic in 1965 to maintain the status quo during a revolutionary uprising. The incidents in this category did not result in prolonged military operations, and there were no substantial attempts at restriction through Congressional action.¹⁰

2. Resistance to Invasion: It is evident that the President may use forces under his control to repel an invader. The Pearl Harbor raid is the prime example of hostile attack against American territory, but it furnishes little in the way of precedent since a declaration of war by Congress followed almost immediately and came before effective resistance could be offered to the invader. President Polk asserted hostile invasion as the occasion for commencing hostilities against Mexico.¹¹ The power to repel invasion undoubtedly includes the power to pursue the invader or to attack his homeland, especially under modern conditions. The President is not limited to beating the enemy forces back from our shores. But this is not the same thing as extending and maintaining foreign operations, when our country has not been invaded.

3. The Civil War: The Civil War, from the federal point of view, was an insurrection, which developed into a war. The courts have had difficulty with the resulting legal problems, and their answers have not been wholly consistent.¹² An insurrection is a treasonable act, but if it becomes widespread, then the rebels are normally accorded some of the rights of belligerents.¹³ President Lincoln felt that his oath of office imposed the duty to preserve the Union and to use the Armed

Forces in the discharge of this duty.¹⁴ Although there was substantial contemporaneous opposition to his theory and practice, there are few today who would disagree with his conception of the Presidential duty. It is not helpful, however, to try to translate domestic precedents into authority for foreign operations.

4. Recent Undeclared Wars: President Truman ordered American troops into Korea in 1950 without prior Congressional authorization, and Congress never entered into a subsequent declaration of war. President Johnson, likewise directed massive ground forces to South Vietnam and instituted the bombing of military and industrial targets deep inside North Vietnam, without declaration of war.¹⁵ Both the Korean and Indochina conflicts have all the external indicia of war. In both instances operations have been limited by barriers that may seem to be artificial from the military standpoint, but these have been imposed by Presidential decision rather than because of legislative restriction. Congress has generally acquiesced in whatever the Presidents in charge have thought necessary in these operations and certainly has not objected to the state of *de facto* war. Even though there was no advance approval, there has certainly been ratification of the situation which developed. There may be a state of war in fact without formal declaration, and Congress may effectively recognize the existence of a state of war by legislating in aid of the operation, although it makes no formal declaration. Under these circumstances the President may direct operations as commander in chief, on the basis of implied Congressional approval.

CONGRESSIONAL APPROVAL IS EXPRESSED OR
IMPLIED

Incidents of the types described above have been the subject of litigation at various times. There have also been theoretical debates in Congress over the nature and extent of Presidential power. The general tendency of the judicial opinions and legislative discussions has been to support executive action. In almost all instances, however, there has been express or implied Congressional approval. There have been criticisms over details, but seldom has Congress sought to place restrictions on the President with respect to operations in progress. In recent years, particularly, the President has taken the initiative and Congress has usually acquiesced.¹⁶ There is a dearth of authority about what Congress may lawfully do to restrict the President in the maintenance and extension of military operations. The problems that could arise, moreover, might not lend themselves to adjudicatory settlement.

It is clear that the President does not acquire power simply because he believes that a particular course of action is necessary or desirable in the efficient conduct of current hostile military operations. The *Steel Seizure Cases* arose in the setting of the Korean War. Steel production was interrupted by a labor dispute, and the President directed the Secretary of Commerce to take possession of the steel mills involved so that production would not be interrupted while Congress was considering possible legislative solutions to the problem. The majority of the Supreme Court (six to three) held that the President had acted in excess of his authority, since there was no legislative authorization for the seizure.¹⁷ The several opinions spoke in eloquent terms about the division of governmental power as set out in the Constitution and about the binding effect of the separation of powers under all conditions. Even Chief Justice Vinson's dissenting opinion emphasized the authority of Congress and sought to justify the seizure on the basis of other expressions of Congressional intent. None of the Justices would have sus-

tained the seizure in the face of an express Congressional prohibition.

There is neither legal nor historical support for the proposition that Congress would be trespassing on the Presidential prerogative if it should assume to forbid sustained military operations in particular areas or to direct that a specific military venture be brought to an end.

PRESIDENTIAL AUTHORITY SUBJECT TO LEGISLATIVE RESTRICTIONS

Questions of Congressional power to delimit or to terminate a war, declared or *de facto*, are not foreclosed by prior authority. They are open for consideration and should be considered in the light of the principles underlying the Constitution. It is fundamental that our government is a popular government, with power distributed among the several branches and with the legislature as repository of the public will.

The Nixon Administration opposed the Cooper-Church amendment on the claim that it interfered with the Presidential prerogative. It has sought, however, to comply with the literal terms of the inhibitions against use of ground forces and advisers in Cambodia.¹⁸ If this resolution were in violation of the Constitution, there would be no need to observe it. The attempts at compliance indicate the legitimacy of the exercise of Congressional authority.

The Nixon Administration sought to justify the initial entry into Cambodia on the ground that it protected American troops in South Vietnam, and it indicates that it might take similar action in the future for this same purpose, if necessary. If a military operation were in progress with the express or implied consent of Congress and if American troops were threatened by hostile forces in a neutral nation, then the President undoubtedly would have the authority to direct operations against these forces, in the absence of legislative restriction. He, of course, would have to weigh the dangers of violating neutrality, but this is irrelevant in a discussion of the extent of Presidential power.

In Cambodia, however, the President could have eliminated any threat to the American troops by withdrawing them. The danger was not directly to the troops but to the "presence" which the administration considered it desirable to maintain. If the presence were lawful, then the President would have the right to protect that presence. It by no means follows that he would have the authority to maintain the presence in the face of a contrary Congressional direction.

Why should Congress not be able to say to the President: "We do not want any ground operations by American forces in Cambodia. If our troops in Vietnam are threatened by hostile forces in Cambodian sanctuaries, then you should withdraw them to safe positions, but should not go into Cambodia"? If Congress does not have authority to give this direction, then the President may sustain hostile operations in a remote theater in derogation of the popular will.

Congress, furthermore, should be able to direct the President to bring hostilities in a particular theater to an end, either immediately or within the confines of a specified schedule. Why should the power to declare or to recognize war not connote the power to call for the end of a conflict? The President has no inherent power to direct that a conflict be continued until it is "won"—in the sense that American objectives are fulfilled.

Nor would the presence of a treaty obligation inhibit Congress in the exercise of its authority. Treaties along with statutes are the "law of the land", but a treaty may be abrogated by legislative enactment.¹⁹ The President may have the power to use military force to effectuate the obligations of an existing treaty, but his authority is clearly subject to legislative restriction.²⁰

Footnotes at end of article.

COMMANDER'S AUTHORITY IS NOT ALWAYS
EXCLUSIVE

No war, declared or otherwise, may be maintained without Congressional support. There must be provision for men and materiel. Congress may necessarily use its appropriation power in the control of military involvements and commitments. It may say that certain funds are to be used for urban renewal rather than for armament, and the President must comply with the instruction. It may forbid the use of an appropriation for a particular item of materiel, and the President could not violate the instruction even though he thought it unwise. It follows that Congress may say in so many words that its appropriations are not to be used for operations in specified nations or for operations in a particular theater beyond a designated date.

The decision to make and to sustain declared or undeclared wars is one properly referable to the popular will and to the legislature as the agent of the popular will. The President may direct operations as commander in chief, and Congress may not ordain or establish a rival. The commander's authority, however, does not connote exclusive power to determine the extent and duration of operations.

A conclusion that this authority is lodged in the President free from legislative control is inconsistent with the nature of popular government, and a power so maintained in the face of Congressional inhibition could be challenged as illegitimate.

FOOTNOTES

¹ See, e.g., 50 App. U.S.C. § 462(b), prescribing a sentence of up to five years for burning or mutilating draft cards.

² This resolution, adopted August 7, 1964, because of information about attacks against attacks on American warships in the Gulf of Tonkin, gave the President the authority "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression".

³ The ultimate form of this proposal is embodied in the Special Foreign Assistance Act of 1971 and reads as follows: "[Federal funds are not to be used] to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisors to or for Cambodian military forces in Cambodia."

⁴ The purpose of this proposal, which assumed several forms in the 91st Congress, was to set a date for the termination of the involvement of American forces in Vietnam.

⁵ *McCulloch v. Maryland*, 4 Wheat. 316 (1819).

⁶ The *FEDERALIST* No. 69 (Hamilton) states that the Presidential power is less substantial than the power of the British Crown because it does not include the power to "declare war" or to "raise armies". The *FEDERALIST* No. 74 (Hamilton) emphasizes the need for unitary command of operations, as justification for the power.

⁷ See CORWIN, *THE PRESIDENT: OFFICE AND POWERS* 209-211 (4th ed. 1957).

⁸ See 1 MORRISON AND COMMAGER, *THE GROWTH OF THE AMERICAN REPUBLIC*, 373-374, 388-389 (3d ed., New York, Oxford, 1942).

⁹ HERRING, *A HISTORY OF LATIN AMERICA*, 429-432 (1961), 429-432 (Haiti), 464-466 (Nicaragua), 473-478 (Panama).

¹⁰ See *The Constitution of the United States of America, Revised and Annotated*, 540-542 (G.P.O., 1963).

¹¹ Corwin, *op. cit.* note 7, at 200-201. Congress declared that "by the act of the Republic of Mexico, a state of war exists between that Government and the United States". Morrison and Commager, *op. cit.* Note 8, at 592.

¹² In the *Prize Cases*, 2 Black 635 (1863), the Court recognized a right of "prize and capture" appropriate under the laws of war, saying: "As a civil war is never publicly pro-

claimed, *eo nomine*, against insurgents, its actual existence is a fact in our domestic history which the court is bound to notice and to know. . . ." In *Texas v. White*, 7 Wall. 700 (1869), the Court held that Texas had never truly left the Union, and that the acts of its legislature in attempting secession were "absolutely null".

¹³ See 2 WARREN, *THE SUPREME COURT IN UNITED STATES HISTORY* 485-487 (1929). Case of Jefferson Davis, 7 Fed. Cas. 63 (No. 3621d.). Davis was never brought to trial on the charges against him.

¹⁴ Corwin, *op. cit.* note 7, at 228-234.

¹⁵ There is merit in Mr. Deutsch's suggestion that a declaration of war may be omitted because Congress does not want to indicate total commitment. As to North Korea and North Vietnam, moreover, there are theoretical problems because the United States does not recognize the existence of either as a separate nation.

¹⁶ Corwin, *op. cit.*, note 7, at 171, 184-193, 201-204.

¹⁷ *Youngstown Sheet & Tube Company v. Sawyer*, 343 U.S. 579 (1952). The Court gave substantial attention to the failure of Congress to include seizure authority in the Taft-Hartley Act of 1947, in spite of suggestions, and to the President's failure to make use of the methods provided in the act for avoiding strikes.

¹⁸ It has been suggested that the administration has made use of legalism and subterfuge in trying to assist the Cambodian government, while maintaining apparent compliance with the restrictions on American ground forces and advisers. See Dudman, *U.S. Deception in Cambodia*, St. Louis Post Dispatch, January 28, 1971, at 1-C. As to the use of American troops in Laos, see TIME, February 22, 1971, page 24.

¹⁹ *The Constitution of the United States of America, Revised and Annotated* (G.P.O., 1963), at 470-473; *Whitney v. Robertson*, 124 U.S. 190 (1888).

²⁰ It is going too far to assert that the President is necessarily bound to use military force in support of another nation pursuant to a treaty obligation. Surely he has the authority to consider the situation as it is presented at the time decision is necessary. Might he not conclude that available forces are inadequate in view of other commitments, or that conditions had changed since the adoption of the treaty so that intervention would not be in the national interest, or that the use of force should be considered by Congress?

MENNONITE DISASTER SERVICE
RECEIVES RECOGNITION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHWENGEL. Mr. Speaker, for many years the efforts of the Mennonite Disaster Service have gone relatively unheralded.

The outstanding work of the Mennonite Disaster Service was recognized by the Congress last year when it was named for the first time in disaster relief legislation.

Last year Congress changed and improved the role of the Federal Government in disaster situations. The legislation directs the Office of Emergency Planning to coordinate relief activities of volunteer organizations. Only three organizations were specifically cited in the legislation. In addition to the Men-

nonite Disaster Service, the American Red Cross, and the Salvation Army are mentioned.

The inclusion of the Mennonite Disaster Service in the legislation last year was recognition of the outstanding and unselfish work done by the Mennonites when disasters occur.

The Iowa Mennonite Disaster Service has served admirably when needed. It has been very effective and helpful when disasters struck at Belmond, Olewein, Charles City, and Yorktown. They have helped when floods struck at Clinton, Davenport, Muscatine, Marshalltown, Cedar Rapids, and Chelsea.

The leadership of the Iowa Mennonite Disaster Service comes from the First District. The officers are Glenn Guengerich, president, Wellman; Mark Swartzendruben, Iowa coordinator, Kalona; and Wilbur Swartzendruben, chairman of Iowa field directors, Wellman.

We all owe the Mennonite Disaster Service a thank you for their work.

BOSTON INVITATIONAL SPECIAL
OLYMPICS DAY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, at this time, I would like to call my colleagues attention to an event which will take place in Boston, Mass., in the 9th Congressional District, which I represent: the 1971 Boston Invitational Special Olympics conducted by the department of special classes and physical education of the Boston public schools.

Mr. Speaker, I insert in the RECORD a proclamation, as follows:

A PROCLAMATION 1971

(By Hon. LOUISE DAY HICKS, Member of Congress)

Whereas, The Department of Special Classes and Physical Education of the Boston Public Schools will this year conduct the Boston Invitational Special Olympics for special children, and

Whereas, This is another first for the City of Boston and the Ninth Congressional District, and, only the third time in the United States that a statewide meet of this nature has been held, and

Whereas, It is highly fitting that the Boston Invitational Special Olympics be observed by the United States in testimony of our country's concern for its special children, and

Whereas, through the Special Olympics, these youngsters are able to learn the spirit of good sportsmanship, teamwork and healthy competition which is an integral part of those qualities of today's youth which bode well for our country's future.

Now, therefore, I, Louise Day Hicks, Member of the United States House of Representatives, do hereby proclaim May 4, 1971, as Boston Invitational Special Olympics Day (Trainable) and further proclaim May 18, 1971, as Boston Invitational Special Olympics Day (Educable) and urge the citizens of the United States to take cognizance of this event and to participate fittingly in its observance.

Given on the Floor of the House of Representatives in Washington, D.C. this twenty-

eight day of April, in the year of Our Lord, One Thousand Nine Hundred and Seventy-One, and of the Independence of the United States of America, the One Hundred Ninety-Fifth.

THE QUESTIONS OF MY LAI 4

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. FORSYTHE. Mr. Speaker, one of my constituents, Mr. Fred Jago, has given a great deal of thought—as have many Americans—to the killings at My Lai and the sentencing of Lt. William Calley.

These tragic incidents have deepened the concern of many citizens of this Nation about the Indochina war and our role in it. Brought vividly to the attention of all Americans, they have shown the bloody waste that this war has brought.

Mr. Jago has written a well-documented statement concerning the Calley incident and the ravages of war. His statement follows:

THE QUESTIONS OF MY LAI 4

On 29 March 1971, a military court-martial found Lieutenant William L. Calley, Jr. guilty of the premeditated murder of 22 Vietnamese civilians on 16 March 1968 in an attack on the hamlet of My Lai 4. The verdict brings disgrace to the young officer and shame to our nation, our government, our army and our people. But more than that, the Calley trial has raised painful questions regarding the true and final responsibility for crimes of war.

As individual citizens or as a nation, we cannot condone what occurred at My Lai. But neither can we, in good conscience, permit just six superior officers to judge this as an isolated incident, the guilt and responsibility for which rests solely with Lieutenant Calley, when in fact the complete details and ultimate responsibility may never be justly determined.

War is the most repugnant act that mankind can inflict upon itself. It has spawned brutality and atrocities since the beginning of time, particularly with regard to innocent populations. Defenseless civilians have fallen prey to warring armies under the guise of reprisal for "aiding and abetting the enemy" or as object lessons for those who might be contemplating such aid. During the history of this great nation, our people and our government have contributed to or participated in many acts far more brutal than those for which Lieutenant Calley stands convicted.

Wholesale slaughter, for example, is no stranger to America. In 1637, while this country was still in its colonial childhood, Governor Vance sent orders from Boston that the Pequot Indians were to be exterminated. Captain John Mason, in obedience to these orders, attacked the Pequot fort at what is now Groton, Connecticut and annihilated over 1,000 men, women and children. Captain Mason was applauded for his efforts.

In July, 1675, it was customary for uniformed armies to face each other on a field of honor, fire back and forth, rank upon rank, until the defeated army retired. But a drastic change was in the making. The colonists were exposed to the tactics of the true guerilla. The Indian, much like the Viet Cong of our times, slipped in and out of the vast wilderness to attack when ever they felt they had the advantage, then melted away again. Colonists had been horrified by the brutality of these raids and a

unit under Captain Samuel Mosely responded in kind. After a fierce engagement with the Wampanoags at Swansea, Massachusetts, a young lieutenant took the first Indian scalps of the war and sent the grisly trophies to Boston. Scalping and mutilation of the enemy soon became an accepted after-action occurrence.

After the defeat of Metacomet, son of the famed Massasoit, one Captain Benjamin Church ordered the chief beheaded and quartered. Metacomet's head was sent to Plymouth, where it was displayed on a gibbet for 20 years as a reminder to other tribes. A hand was sent to Boston, while the rest of the body was left to rot because the Plymouth authorities would not permit it to be buried. Far from being accused of any wrong doing, Captain Church was hailed as a military hero.

In 1779, the father of our country, George Washington, ordered General John Sullivan to not only "overrun but destroy" the Iroquois nation. During the course of the ensuing massacre, a young Lieutenant and a fellow officer recorded the skinning of two Indians from the hips down for boot legs, "one pair for the Major, another for himself."

Fort commanders of the period developed their own special tactics. They would trade with the Indians under terms of peace, using blankets from the small pox hospitals as barter. The disease decimated more than one tribe with dreadful consequences among the women and children, but without comment from a grateful nation.

One can easily learn of Custer's Last Stand, where the vaunted hero of the Civil War and 212 of his men were killed in a military engagement against superior odds, an attack which the good General carried out in total disregard of published orders. With a good deal more diligent searching, one may also find that Custer also wiped out the sleeping village of Black Kettle prior to the encounter at Little Big Horn, and killed men, women and children, not to mention 700 ponies. Thirteen years later, the Army surrounded and disarmed the village of Chief Big Foot. The village was then fired upon with rifles, cannon and newly deployed machine guns. Over 300 men, women and children perished. One surviving squaw, interviewed by a government investigator, was found to have suffered 14 separate wounds. Oliver LaFarge, the noted historian, has commented how typically the incident at Little Big Horn is famous as the Custer Massacre, but the slaughter of Big Foot's village is known officially as the Battle of Wounded Knee!

Outrageous acts such as this were not limited to Indian engagements. They have occurred in every war in which this nation has been involved. Official outcry, if any, has generally been reserved for treachery on the part of the enemy. Those north of the Mason-Dixon Line are familiar with the victorious General Sherman and the suffering of the Federal prisoners at Andersonville. Is there a single old family in Atlanta who holds Abraham Lincoln's prized General in regard? And what of the Confederate prisoners confined at Fort Mott or Fort Delaware? A tattered diary, a forgotten letter or scores of weed-covered graves must be found and consulted to balance the scales of justice.

Wanton destruction of civilians reached a zenith during the Second World War. The outrage of Pearl Harbor and the "Day of Infamy" is known by all. The Japanese have been condemned for using the tactical advantage of surprise to carry out a successful attack against a strategic if over-confident military target. The primary victims consisted of ships, airplanes and servicemen. The United States and indeed the world tries to reconcile the loss of civilian life at Hiroshima where 78,000 were killed during the first atomic bombing. A similar catastrophe met the inhabitants of Nagasaki.

Few, however, remember that a much greater loss of life occurred in March, 1945, when another civilian target, Tokyo, suffered 94,000 killed in an Allied incendiary raid.

Mention the London Blitz and one gains instant sympathy for the 61,000 British civilians who died as a result of German bomber and missile sorties over a five-year period. The Allies, in return, inflicted over 305,000 civilian fatalities on the Germans while making 7½ million homeless. Approximately 80,000 of these died in a single allied fire storm at Hamburg in August, 1943.

How do these statistics compare with Lieutenant Calley's crime of killing 22 civilians. Can we justify a verdict of murder in light of what our government has not only sanctioned but ordered in the past? Can anyone who cheered V-E Day or V-J Day now assume the cloak of righteous indignation?

Lieutenant Calley has been sentenced to life imprisonment for his part at My Lai 4. How does his punishment compare with other war crimes against innocent civilians? Most have gone unpublished, untried and unpunished. In July, 1948, Alfred Krupp was sentenced to 12 years in prison and forfeiture of his property for the "murder, pillage, enslavement and cruel treatment of masses of people." Six years later, U.S. High Commissioner John J. McCloy freed him and restored his property, the disposal of which had never even begun. On the other hand, General Yamashita was condemned and hung by this country for atrocities committed during four years of Philippine occupation. Yet, the General had assumed command only nine days before the surrender. He paid for the guilt of high command with his life, while most of the actual perpetrators of the crimes were not prosecuted. What strange set of rules governs our involvement in war that orders acts on the magnitude of Hamburg and Hiroshima yet prosecutes Lieutenant Calley; frees Krupp and sentences the Lieutenant to life imprisonment; hangs General Yamashita and charges Colonel Oran Henderson only with attempting to cover up the incident at My Lai? Has America grown so large and powerful that it must address itself to a serious problem with, "Do as I say, not as I do?" At the same time, is our nation no longer big enough to accept responsibility for its actions except at the expense of a solitary subordinate officer?

America must not judge a single man for the cumulative wrongs of a nation. We cannot sacrifice Lieutenant Calley for what so many have already admitted doing and what so many more have done without public disclosure. A recent veteran wrote publicly:

"I served in Vietnam at the same time as Lieutenant Calley. What that man and his men are being tried for was, and probably still is an everyday occurrence over there. . . . If I were to total all the men, women and children we shot because they looked like V.C. in the age group between 15 and 40, or were too scared to stand still when we approached, you could double the number killed at My Lai. . . . If the Army and the people must judge that man and his men then they had better judge me and the three million other men that pulled time in that hell-hole. . . ."

Captain Robert Marasco, a former Green Beret, outraged at the Calley verdict, has publicly admitted the murder of a Vietnamese triple agent at the behest of the CIA and with the knowledge of "our chain of command."

Unquestionably, the pride of our elite forces has been diminished. Worse still, the laudatory if fanciful notion of a volunteer Army has suffered a severe setback. What encouragement remains for those willing to undertake a distasteful task if the shadow of indictment hangs over each act?

The heart and soul of any military establishment is obedience to orders. Countless

hours are spent in basic training, drill and exercise to instill this obedience to command without question, without reservation, without hesitation. Some take orders, few give orders, the majority must do both. The responsibility for issuing an order has always been determined by one's position in the chain of command. Now, even the recipient of the order must assume great responsibility for carrying it out. The decision of Colonel Kelly and his tribunal has undermined the very foundation of command by making self-debate an integral part of the response to the order. The possibility of prosecution must now be weighed heavily before acting. But there is no time to debate morality with oneself in the jeopardy of combat, no time to make judgments on the legal consequences. Those who hesitate will die.

Baseball is a relatively slow-moving game with few "penalties", so to speak. Football is a contact sport involving an intricate system of penalties for infractions of the rules. Ice hockey is even faster and rougher, reflected in the seriousness of the penalties such as slashing, fighting and misconduct. Players are required to leave the game for varying durations to "cool off" rather than simply lose some distance to the goal. Warfare, and especially the "dirty" war of the guerrilla is not conducted on a well marked field according to prescribed regulations. It is not a game, it is kill or be killed. The rule is survival, the penalty is death.

In the excitement and frustration of competitive sports, with nothing but pride, bruises or the final score in question, superbly trained athletes will strike out at friends wearing the uniform of the opponent. They will attack with the only weapons available; a fist, a foot, a hockey stick. Is it so shockingly incomprehensible then, that para-professionals, facing possible death or maiming of themselves or their comrades will react during armed conflict? When attacked by mortal enemies in the guise of friendly civilians who flaunt the so-called rules of warfare, is it wrong or unexpected that our soldiers respond with the weapons of war with which they have been equipped and trained?

In conventional warfare, the enemy can usually be identified by location, uniform, racial characteristics, language, weapons or similar means. Guerilla warfare adds a new dimension of uncertainty and raises the risk severely. Early Americans were fortunate in that the red-skinned man wearing feathers, loincloth and war paint while carrying a bow and riding a saddleless pony, was assumed to be the enemy. The guerrilla of our time carries no flag or banner, wears no uniform, looks and talks like a great many others, is male or female and can be of almost any age. No battle lines are drawn across which all are foe. Have you ever watched a game played between two large teams without uniforms? Have you felt the confusion and frustration of not being able to identify your side? And they weren't even shooting at you!

In a firefight, friend and foe alike will perish because one cannot "sort and kill" any more than one can selectively cook only certain vegetables in a pot of boiling stew. The time honored "hands-up" of surrender has even become suspect, since the child running forward in apparent panic might be concealing a deadly hand-grenade or knife behind his "innocent" back. Lieutenant Calley didn't initiate these conditions, he inherited them.

It has often happened that ordinary people have reacted in extraordinary fashion under stress. Non-swimmers have attempted to save a drowning child, while other well balanced individuals have trampled each other in panic attempting to flee a burning building. Soldiers expose themselves to certain death to save a comrade. We reward such action with the Medal of Honor. Others, un-

der similar stress, may display cowardice or flee the scene of action. We charge them with desertion and punish them. The majority of those committed to action just do the job at hand in a most acceptable manner. Lieutenant Calley does not deserve a decoration for valor for his action at My Lai, but neither can he be charged with cowardice under fire. Under sentence of the military court on one hand, the recipient of massive public sentiment on the other, the Lieutenant is neither fish nor fowl, guilty of a malicious act at worst, a crime of excess at best.

The history of man has proven and the law has granted that most men will kill in the defense of their life or the lives of loved ones. History has also proven that ordinary men can and have been trained to kill expertly in war when ordered to do so. Some men will kill for the sake of killing. If the sanction of the battlefield is not available to them, they will use the streets of our cities. Others of strict moral or religious belief refuse to kill under any circumstances. Under normal conditions, comprehensive testing determines those individuals who are suitable for military service. As a function of indoctrination, environment and training those chosen to do so become killers on command. Actual combat can and has changed all this in an instant, for better or for worse.

Combat can easily generate a maelstrom of emotion where after one attack, men will respond to ancient instinct and go to bed with the women of the fallen village, despite moral considerations, against authority and in violation of fraternization rules. Yet, during a later attack, these same men will respond to a new and volatile instinct by indiscriminately killing women and children without visible guilt.

If Lieutenant Calley were indeed a murderer, it would no doubt have been detected during the physical and mental screening process. If instead, and as maintained by the defense, he has been trained to kill by the Army, sanctioned to kill by the Government and deployed to kill by order of his superiors, how must we now judge the man?

If Lieutenant Calley issued the orders and committed these crimes of his own volition, we must investigate the system which grants him the authority of command as well as the system which trained him. If he only followed orders from a superior, we must investigate the issuing authority and the system which permitted him to respond as he did. If he was weak, should we blame him or the system which screened him and approved his appointment to the officer corps? If he made an error of judgment should we judge him so harshly? In any case, we must question the ambiguity of the chain of command, all the circumstances which surround the incident, all the individuals involved, the physical, psychological and moral aspects of combat and the unique pressures which can easily upset the delicate balance of these factors. Indeed, we must examine the very nature of war.

Was it an excess of skill? An accurate response to orders? A deficiency in judgment? A temporary loss of his rational thought process triggered by the action of the moment? Or as some have noted, does the incident reflect a total disintegration of the moral fiber of our nation? Who among us is qualified to make an unequivocal determination? Is there a single person, committee, tribunal or population equipped to assess the findings? Can anyone but God know for certain the mind of the soldier at the instant he kills?

It is comparatively easy for a nation to subscribe to international rules or sign agreements for limitation of war because death is far removed from the conference tables at Geneva. But death is very personal when administered at the end of a bayonet or by a screaming piece of shrapnel making its way

through a steaming jungle of a foreign land. Would international negotiations be the same if the combatants and the diplomats exchanged places for a few weeks? Would the outcry be as vocal if our population were enduring a war such as Korea or Southeast Asia?

Until someone has experienced death and destruction from an enemy and has inflicted casualties upon him in return, he must not be too quick to judge another's action under stress according to "accepted rules of conduct." America has not witnessed war on its own land for 105 years this month. During the 1950's, the last survivor of the Civil War died, taking to the grave the final account of what it is like to fight for a home, a family, a government or an ideal on American soil. No one can truly counsel us in that respect, yet it is indeed a prime factor in any final analysis of warfare. But can we view this phenomenon through the eyes of another nation, another civilian population or another time? Can we reconstruct or simulate this experience any more than we can simulate death?

In a world shrunken by rapid communication, people form strong and immediate opinions. The government must weigh these opinions carefully if it is to maintain the respect of the people. Public sentiment must not, however, replace or negate the law. Neither must the law be used as grounds for abdication of the responsibility to protect the rights of our citizens. The government must lead the way in providing full disclosure of the circumstances and equal prosecution of all levels of guilt, regardless of national pride or embarrassment.

President Nixon has chosen to intervene in the My Lai incident with respect to Lieutenant Calley's conviction. He will make the final judgment in the case. This is a monumental responsibility for the Chief Executive. The President is uniquely qualified to weigh the evidence from many points of view. As the popularly elected head of state, he represents the people of this country and the opinions they express. As President, he represents the government which creates, maintains and deploys our armed forces; and which challenged the spread of Communism by committing our troops to Southeast Asia. As the leader of the strongest free nation in the world, his diplomats have proposed and our country has ratified many of the agreements for limiting war, while championing the inalienable rights of the individual. As Commander-in-Chief of the armed forces, he commands all the Lieutenant Calleys who wear the uniform of the United States. Finally, as Mr. Nixon, citizen, husband and father, the President must look at My Lai through the eyes of a deeply religious, concerned American.

America must not allow the finger of fate to point to Lieutenant Calley for 300 years of combat atrocities. Even if the verdict is upheld, will one lifetime of hard labor atone for the sickness of war? For Lieutenant Calley, the accusation alone was a more severe punishment than he can ever overcome. In the eyes of a compassionate but naive world, he has been stripped of his uniform and his honor. What can confinement add?

Our nation has suffered a bruised image, the United States Army has exposed an occupational cancer, and Lieutenant Calley has been destroyed. Like Billy Mitchell and Douglas MacArthur, he will fade away in time, but it will hardly be the end. One small tumor was removed in a less than delicate battlefield operation, a greater threat remains. The condition of the patient has been made known to the world.

The jury has rendered its verdict and pronounced a harsh sentence. The public has been decisive in passing its own judgment. Lieutenant Calley accepted his sentence with a salute and the statement, "I'll do my best, sir." His country must do no less.

UNITED STATES OFFERS NEW
POW PROPOSAL

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. YOUNG of Florida. Mr. Speaker, our Secretary of Defense, Melvin R. Laird, in a speech to the Capital Chapter of the Air Force Association has outlined a new plan to help ease the plight of American prisoners of war in Indochina.

The Secretary said prisoners of war from both sides could be interned in a neutral country. This would mean an end to the cruel and inhumane treatment American men are being subjected to at the hands of the North Vietnamese, and I for one wholeheartedly endorse this proposal.

Once again this Nation has shown its willingness to negotiate, to meet our enemies more than half way in the interests of peace, and in the hopes of bringing our men home.

Hopefully, the so-called "peace" group in this country will be as vocal in support of this humanitarian effort as they are in trying to tear down this Nation in the name of peaceful protest.

For the information of my fellow Congressmen, I am inserting in the RECORD the entire text of Secretary Laird's historic report:

REMARKS OF THE HONORABLE MELVIN R. LAIRD

It is an honor to receive the award that you have conferred on me. I accept it with gratitude deepened by my knowledge of your dedicated support for the cause of adequate national defense and your unflagging concern for American servicemen and women.

I want to take this opportunity to thank the Air Force Association for its dedicated efforts on behalf of our prisoners of war and missing in Southeast Asia, and I want to share with you today what to me is a hopeful development on this important issue.

This year the Air Force Association celebrates its silver anniversary. In 1946, when your Association was established by Jimmie Doolittle and other far-sighted citizens, our country was dismantling the military forces that had defeated aggression in Europe and in Asia.

The Air Force Association began its existence to combat the dangers of reckless reduction in the nation's armed strength. This is still a vital purpose of your Association. Today, the need to be on guard against allowing our power to deter war to wither is even greater than it was in 1946.

The great issue for debate and decision today is not whether to end U.S. involvement in the fighting in Indochina. On that, the decision has been made. Now the issue is what kind of military posture we shall have beyond Vietnam and whether, in partnership with other nations, that posture will give adequate support to the objective of President Nixon's foreign policy—achieving a generation of peace.

Our plans, as the President has said, call for total withdrawal of American forces from Vietnam. This withdrawal will be achieved just as each of the President's prior promises about troop reduction in Vietnam has been fulfilled. It will be achieved as rapidly as possible without forgetting the Americans who are prisoners of war and missing in action, without failing to provide for the safety of the steadily decreasing number of Americans who remain in Vietnam at any given time, and without leaving in a way

that will increase the chances of war in the future.

Because the basic decision on Vietnam has been made and because we are successfully pursuing the course that leads to total withdrawal, it is time now to turn our attention to the problems of national security that lie beyond Vietnam. We must give our attention to preventing other Vietnams and achieving a generation of peace.

Let me return now to the heart of my brief comments as the Association accords me a high honor. I refer, of course, to the fact that not one of us in this room will rest until our prisoners of war have been returned to their homes and families. Until now, the appeals to Hanoi from all over the civilized world have not brought from the captors of these men any promise that they will be returned at any time. All that the representatives of North Vietnam have said is that return of the prisoners will be "discussed" after the United States announces a date for total withdrawal of its forces. To those who negotiate for the enemy, discussion carries with it no implication of agreement and no promise of action beyond endless talk.

No American should be deceived on this point: the North Vietnamese have so far refused in public and in private discourse to commit themselves to return American prisoners. No American should permit himself to be duped into believing that a promise only to discuss the release of prisoners of war has any value at all.

However, a new proposal relating to the prisoners was offered by the Republic of Vietnam and enthusiastically endorsed by President Nixon. This proposal calls for internment of prisoners in a neutral country. It would mean for them an end to the cruel and unjust treatment to which they are now subjected.

I can tell you that I have been personally assured that ships flying the flags of neutral nations would be made available for the immediate release of POW's on all sides or for their internment in a neutral country.

Such sea transportation could be provided to and from Haiphong, Saigon or any other appropriate port. I know that the Air Force Association and all Americans concerned about the welfare of our prisoners and their families will lend their moral support and whatever additional support may be necessary to carry out this proposal. The next step to begin the movement of the prisoners to a neutral country is the concurrence of the other side.

The United States, of course, continues to seek the immediate release of all war captives. Failing any acceptance of this humanitarian proposal by the North Vietnamese, the Pathet Lao and the Viet Cong, we urge the immediate internment of the POW's in a third country.

I accept your award today on behalf of the men and women in all our Services who have given their lives in the defense of their country and for our prisoners of war and missing in action and their families. What these men and women say to us, and what I say to you, is that we must, in the challenging years ahead, assure that our country always maintains adequate strength to prevent war and maintain peace.

OUTSTANDING SERVICE CER-
TIFICATES AWARDED

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. GARMATZ. Mr. Speaker, on April 21, 1971, the Veterans' Administration

hospital in Baltimore held their 18th annual awards ceremony. This annual award ceremony was called to my attention by a constituent of mine, John Rupp, whom you will note received the Bronze Pin Award for 1,750 hours.

Certificates of recognition were awarded to individuals and organizations who have contributed outstanding and continuous service on behalf of our hospitalized veterans.

Certificates were awarded to the volunteers and organizations who are participating at the Day Treatment Center. These presentations of awards were made by Joseph E. Reahl, M.D., director of outpatient clinic.

Because of the hard diligent work and the many hours these organizations and individuals have given of their time, I would like to take this opportunity to call their names to the attention of my colleagues.

The list follows:

VAWS COMMITTEE—1971, REPRESENTATIVE, AND DEPUTY REPRESENTATIVE

American Gold Star Mothers: Katherine Mannion; Anna Deibaugh.

American Legion: Robert Manger; Vernon Schaff.

American Legion Aux.: Sarah Snyder; Carrie Milburn.

American Red Cross: Barbara Johnson; Joanne Jenkins.

Catholic War Veterans: Walter Moore; Henry Dows.

Catholic War Vets Aux.: Frances McFall; Catherine Long.

Daughters of the Am. Revolution: Jeanette Hostler; Mirian Stover.

Disabled Am. Veterans: John Kellam; Walter Hook.

Disabled Am. Vets Aux.: Isabel Buhner.

Gen. Fed. of Women's Clubs: Viola Wallace.

Grand Voiture 40 et 8: William Kenneally; Anthony Arrigo.

Jewish War Vets of U.S.: Theodore Nalman; Eugene Resnicoff.

Jewish War Vets Aux.: Shirley Vine; Bernice Meyer.

Jewish Armed Svcs Comm.: Ida Cohen.

Legion of Honor—Boumi Temple: Martin Stout; Learoyd Blattau.

Marine Corps League: Margaret Reese.

Masonic Service Assn.: Lewis Brandt; Edward Clough.

Military Order of Cootie: Leroy Hyland; W. Blickenstaff.

Natl. Catholic Comm. Svc.: James Lazatti.

Navy Mothers Clubs of Am.: Connie Fitzsimmons; Anne Shinnamon.

Order of the Eastern Star: Elizabeth Smith; Dorothy Synder.

Sup. Cootlette Clubs of U.S.: Naomi Hook; Catherine Erhart.

Sup. M.O.C. Aux.: Esther Tennyson; Genevieve Hines.

Teamsters Local Union #557: George Bosnak; Carrie Bosnak.

The Salvation Army: Maj. D. Carawan; Mrs. Capt. R. Greene.

29th Division Assn.: Reuben Moxley; John Braun.

29th Division Assn. Aux.: Katherine Clements; Janine Scally.

Veterans of Foreign Wars: Herman Ulbig; W. E. Balderson.

Veterans of Foreign Wars Aux.: Elizabeth Segal; Eleanore Gorman.

Veterans of WW I of U.S.: Nelson Hopkins; Joseph Burns.

WAC-Vets Association: Ethel Burk; Lillie Zimmerman.

CERTIFICATE OF APPRECIATION—100 HOURS

Moreen Clarke (ALA), Mary Dalesicky (ALA), Jack Freeburger (SAL), Margaret Macy (AGSM), Minnie Felsenberg (BB),

Jeanette Hostler (DAR), Mary K. Smith (DAR).

Frances Turner (DAR), Herman Sodie (DAV), Jennie Borchini (ARC), Sharon Beckman (ARC), Hannah Boltz (ARC), Roger Collins (ARC), Henrietta Hoffman (ARC).

David Overturf (ARC), Cindy Wilson (ARC), Edward Disney, Jr. (MOC), David Lesser (JWV), Raye Lusk (29th), Max Setzke (MOC), Fred Miller (LH).

Edward Wockenfuss (MOC), Pearl Blake (VFVA), Florence Pritchett (VFVA), Ruth Fitzpatrick (USWVA), J. Raymond Cesar (UNAF), Helaine Freyer (UNAF), Genevieve Grape (UNAF).

Carol Hemric (UNAF), Bobbi Hucek (UNAF), Rosemary Kehoe (UNAF), Camille Marocco (UNAF), Paula Mihok (UNAF), Glen Powell (UNAF), Louis S. Mann, Jr. (UNAF), and James Burlas (UNAF).

CERTIFICATE OF MERIT—300 HOURS

Edith Chenoweth (ALA), Joseph Schuch (AL), Sarah Snyder (ALA), Terry Harrison (BB), Moir Koger (DAV), Dorothy Reiber (SCC), Miriam Stover (DAR).

Helen Lewin (ARC), Marianne Moxey (ARC), Sadie Somers (ARC), Madge Duvall (OES), Connie Fitzsimmons (NM), Carolyn Smith (UNAF).

Ann Wagner (29th), Rose Sapon (VFVA), Mark Bennett (UNAF), Toots Barger (UNAF), Scott Borgerdine (UNAF), Raymond Claiborne (UNAF), Ormond Davis, Jr. (UNAF).

Wayne Miskelly (UNAF), Nora Miller (UNAF), John Norfolk (UNAF), Mark Shillingburg (UNAF), Beth Shenefeld (UNAF), and Richard Wagner (UNAF).

500 HOURS CERTIFICATE OF OUTSTANDING SERVICE—

William Archer (AL), Ethel Murphy (ARC), Lewis Brandt (MS), Edward Clough (MS), Genevieve Hines (MOCA), Esther Tennyson (MOCA).

Elizabeth Segal (VFVA), Arthur Barry (UNAF), Margaret Jerrard (UNAF), Gary Mullis (UNAF), Jackie Norris (UNAF), and Craig Oliver (UNAF).

CERTIFICATE OF DEVOTION TO VOLUNTEER DUTY—1000 HOURS

Catherine Mannion (AGSM), Naomi Hook (SCC), Jose Arbelada (MOC), Ethel Jockel (VFVA), Ann Lyston (UNAF), Richard Varney (UNAF), and Virginia Weir (VFVA).

BRONZE PIN AWARD—1,750 HOURS

John Rupp (ARC), Sarah Tucker (ARC), Regina Keogh (VFVA), Dexter Beane (UNAF), and Mary Stapf (JWVA).

GOLD PIN AWARD—5,000 HOURS

Robert Manger (AL), John Rose (DAV), and Eleanore Gorman (VFVA).

VOLUNTEER HONOR ROLL, 1971

Leroy Bafford (AL) 6806, George Bosnak (AL) 8337, Ed Emery (AL) 1050, Howard Gates (AL) 7738, Walter Hook (AL) 1976, Robert Manger (AL) 5117, Ronald Reese (AL) 1341.

Marie Bambling (ALA) 2202, Carrie Bosnak (ALA) 11,303, Lillian DiDomenico (ALA) 1525, Rosa DiDomenico (ALA) 2883, Julia Hartlove (ALA) 3735, Marie Manz (ALA) 4791, Dorothy Saard (ALA) 1,387.

Josephine Schueler (ALA) 6209, Pauline Tarlton (ALA) 2366, Alice Bozman (ARC) 2949, Eugene Blakely (ARC) 1577, Clarence Hartge (ARC) 1624, Charlotte Fankhanel (ARC) 4790, Joanne Jenkins (ARC) 1375.

John Rupp (ARC) 1963, Sarah Tucker (ARC) 1728, Walter Moore (CWV) 8560, Catherine Mannion (AGSM) 1118, Naomi Hook (SCC) 1032, Jose Arbelada (MOC) 1331, Catherine Long (CWVA) 2300.

Frances McFall (CWVA) 1687, John Kellam (DAV) 8994, John Rose (DAV) 5006, Mary Murkey (DAVA) 2867, Ida Sisenwain (JWVA) 3292, Mary Stapf (JWVA) 2365, Rae Stern (JWVA) 3429.

Martin Stout (LH) 1588, Effie Baker (SA)

3405, Carroll Cottingham (USWVA) 3024, Alice Lease (USWVA) 1798, Mary Bauer (VFVA) 5980, Isabel Buhner (VFVA) 1643, Eleanore Gorman (VFVA) 5110.

Edith Jackson (VFVA) 2158, Ethel Jockel (VFVA) 1005, Regina Keogh (VFVA) 1756, Frances Popp (VFVA) 2155, Mae Provenza (VFVA) 1475, Margaret Schaffer (VFVA) 2846.

Roberta Weber (VFVA) 5802, Virginia Weir (VFVA) 1007, John Henneman (UNAF) 4081, John Krol (UNAF) 1406, Dexter Beane (UNAF) 1964, Ann Lyston (UNAF) 1233, and Richard Varney (UNAF) 1053.

WHAT OUR SOLDIERS HAVE A RIGHT TO EXPECT FROM THEIR LEADERS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HALL. Mr. Speaker, the concept of zero draft calls, leading to the establishment of an all volunteer army, has of late, been the source of considerable debate.

Although the Committee on the Armed Services recommended and the House passed, legislation to increase, by a considerable amount, the pay—and allowances—of our military personnel; it is required for the development of a volunteer, yet elite, Military Establishment.

Other parts of the solution must lie in the selection of commanders who are properly fitted to command; a fresh look at the military code of justice; and the attitude of the military toward housing and protecting the soldiers who will serve, to name just a few.

Twenty-five years ago, Gen. Bruce C. Clark, a distinguished battlefield commander now retired, set forth in clear terms a short critique of "What our soldiers have a right to expect from their leaders."

Recently, the Daily Union newspaper of Junction City, Kans., printed that statement as part of an editorial about an all volunteer army.

The editorial and the statement is worth reading, and heeding by all:

DO YOU WANT A ZERO DRAFT?

The United States Army is doing everything practicable to encourage young men to enlist and young soldiers to reenlist. Our own 1st Infantry Division has been selected as one of the seven army units to enlist men in its area for duty with that famous Division at Fort Riley.

The concept of the way to handle soldiers in The Modern Volunteer Army is based upon this extract from a lecture General Bruce C. Clarke made some years ago to the Cadets at West Point.

WHAT OUR SOLDIERS HAVE A RIGHT TO EXPECT FROM THEIR LEADERS

(By Gen. Bruce C. Clarke)

Honest, Just, and Fair Treatment. Consideration Due Them as Mature, Professional Soldiers.

Personal Interest Taken in Them as Individuals. Loyalty.

Shielding from Harassment from "Higher Up." The Best in Leadership.

That Their Needs Be Anticipated and Provided For. All the Comforts and Privileges Practicable.

To Be Kept Oriented and Told the "Reason Why."

A Well-Thought-Out Program of Training, Work and Recreation.

Clear-Cut and Positive Decisions and Orders Which Are Not Constantly Changing.

Demands On Them Commensurate With Their Capabilities,

Not Too Small Nor Too Great.

That Their Good Work Be Recognized—And Publicized Where Appropriate.

We can have a zero draft as soon as we convince enough young men that service in the Army is an honorable thing to do for their country and convince them that our people appreciate their service to our country.

The points General Clarke makes that the soldiers have a right to expect from their leaders that the soldiers have a right to expect from their leaders are also applicable to what the soldiers have a right to expect from their congressmen, senators, educators, clergy press, local leaders, etc.

If all of us accorded our young men in the Army the consideration, treatment and honor that General Clarke, who has been a soldier for over 50 years and has risen from private to four star general, feels they deserve, zero draft calls would not be far away.

A BILL TO AMEND THE SMALL RECLAMATION PROJECTS ACT OF 1956

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. JOHNSON of California. Mr. Speaker, I rise today to introduce a bill to amend further Public Law 84-984, the Small Reclamation Projects Act of 1956. This program, which has proven extremely successful over the years, originally was designed to encourage State and local participation in the development of projects under Federal reclamation laws and to provide for Federal developments of similar projects in the Western States by non-Federal organizations.

Since first enacted in 1956, the original legislation has resulted in some \$71 million in Federal loans which have made possible the completion of 35 projects. In addition to this, we have another 11 under actual construction and 13 others have been approved by Congress and now await funding.

In presenting the proposed amendments, I would like first to outline something about the existing program and why it has proven so successful.

First of all, the initiative must be with the local sponsors, either State or local governmental entities. Not only do they have to have the desire to start the planning for such a project, but also the money for the first \$1,000 of the Federal costs for examining such an application must be advanced by the applicant.

The act now permits Federal loans to assist in both the design and construction of these projects. The loans may be supplemented by grants to cover costs allocable to fish and wildlife, or public recreation, under regular procedure for Federal water projects. Thus, the capital costs allocated to design and construction

for irrigation, domestic and municipal water supply are loans to be repaid in full. One other point I would like to make, that is the planning efforts, and so forth, do not involve any buildup of Federal payrolls as both design and construction is accomplished by non-Federal organizations.

There are some limitations which are creating difficulties for the program, for instance:

The maximum size of project which can be considered under the act is \$10 millions—a limit fixed in 1956. The limit should be raised, as construction costs have risen since 1956.

The size of loans—that can be authorized under the act—is less than the size of projects that can be approved; that is, any difference in dollars between size of project and amount of loan—plus grant, if any—must be raised outside of the Federal Government. At present the maximum loan is \$6.5 million, being 65 percent of the \$10 million ceiling on size of project.

The proposed amendments would fix the loan—plus grant, if eligible—to 65 percent of the \$10 million as may be raised by updated cost indices. Thus, which the size of loan could rise as costs do, the loan—plus grant—could not exceed 65 percent of the project cost.

The act now authorizes a total appropriation—for all projects which may be approved under the act—of not to exceed \$200 million. The total of projects approved, in process and otherwise in “paperwork” stages would exceed the \$200 millions of authority.

To avoid “squeezing-off” projects in conceptual stages, the proposed amendments would raise the total authorizing ceiling by \$100 million, to \$300 million. However, not a cent of that \$100 million would be appropriated for fiscal year 1972 or even fiscal year 1973; rather, the increased authority is to provide a future for prospective sponsors who would spend their money to prepare proposals, and who would advance to Uncle Sam the \$1,000 to pay for processing their applications.

Certain clauses in the act have caused confusion. For example, the Secretary of the Interior is told to consider whether a project involves rehabilitation, or furnishing supplemental irrigation; but whether the project does or does not is immaterial. Also, clauses about the “primary” purpose, or use of water, are confusing—and out of date, considering that water development today is multi-purpose, serving many objectives.

The proposed amendments would delete language either immaterial or confusing, and would instead state clearly the nature of water developments to be considered; that is, “the term project shall mean any complete water development or features thereof, as could be authorized for construction under reclamation law.” Thus, the kind of work—which a committee of this body would review before the Secretary could proceed—would be tied to whatever the Congress is otherwise doing under reclamation law.

By this amendment, current actions of the Congress about the purposes of reg-

ular authorized reclamation projects would govern the granting of loans under the Small Reclamation Projects Act.

BOSTON UNIVERSITY WINS FIRST HOCKEY TITLE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, Boston University's hockey team captured the first national team championship in BU history Saturday night, March, 20, 1971, defeating the University of Minnesota 4 to 2 in the NCAA tournament at Syracuse.

It is fitting that the hockey team should be the first to win a national title, since, over the years, hockey has been the most successful sport at Boston University.

Despite past successes, however, a national championship has proved elusive to the Terriers who twice were defeated in NCAA games.

This year, BU, holding the best win-loss record in college hockey and ranked No. 1 going into the tournament, was not to be denied. They earned their way into the title game with a 4 to 2 victory over the University of Denver in the semi-finals.

The Terriers were spearheaded by Capt. Steve Stirling, who scored two goals in the finals and played great two-way hockey in both games, and Goalie Danny Brady who performed brilliantly in the nets, making 23 saves the first game and 32 the second.

Brady was selected as the tournament's most valuable player and was named to the tourney all-star team along with Stirling, BU defenseman Bob Brown and BU winger Toot Caheon.

Both Stirling and Brown also have been named to the all-American team from the East.

Other goals for BU were scored by Bob Gryp, Ron Anderson, and Wayne Gowing. In winning the NCAA championship, Boston University proved the wisdom of the selection committee that picked BU to represent the East along with Harvard; an automatic qualifier after upsetting the Terriers and winning the eastern championship.

BU also proved it deserved its No. 1 ranking this year, and with only three seniors on the squad—Stirling, Gowing, and defenseman Peter Yetten—the Terriers should be hard to dislodge from that position for some time to come.

The team will be feted Saturday, March 27, 1971, at the annual break-up banquet at Valle's Steakhouse in Newton, Mass., sponsored by friends of Boston University hockey.

A list of Boston University National Collegiate Hockey Champs follows:

BOSTON UNIVERSITY NATIONAL COLLEGIATE HOCKEY CHAMPS, 1970-71

Head Coach: Jack Kelley.
Freshman Coach: Bob Crocker.
Manager: Saul Weiss.
Equipment Manager: Carl James.

Team Captain: Steve Stirling.
Dan Brady, Bob Brown, Stefan Brueckner, Guy Burrowes, Don Cahoon, Ray Cournoyea, John Danby.

Steve Dolloff, Pete Thornton, Dave Warner, Peter Yetten, Bill Fenwick, Paul Giandomenico, Wayne Gowing, John Grady.

Bob Gryp, Bruce Hattan, Ric Jordan, Mike LaGorde, Bob Murray, Olivier Prechac, Tim Regan.

THE RESULTS OF WINTER QUESTIONNAIRE BY CONGRESSMAN SCHMITZ

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHMITZ. Mr. Speaker, my constituents in the 35th District of California responded very well to my winter questionnaire, and I would like to place it, and the report of the response, in the RECORD at this point. Approximately 23,000 people responded, a 7-percent return, which is higher than normal for such a questionnaire:

QUESTIONNAIRE

Please check whichever one of the positions stated at the right comes closest to your own thinking on each issue mentioned:

1. Inflation is a continuing and increasing problem which in recent years we have been unable to solve, and which is constantly threatening to get out of control. What do you regard as the most effective way to fight inflation?

Mandatory Federal price and wage controls.

Non-mandatory Federal guidelines, with strong Administration prodding of both business and labor to stay within the guidelines.

Substantial reduction, and if possible, elimination of Federal deficit spending.

Tighter control of the money supply by the Federal Reserve Board.

Higher taxes to balance the budget.

2. The Supreme Court and lower Federal courts have been charged with manifesting greater concern for the criminal than for his victim in many of their decisions, and with rewriting the Constitution to suit themselves rather than abiding by it. Defenders of the Federal courts, on the other hand, say that they are simply recognizing the rights of persons accused of crime which were too long ignored, and that the Constitution needs to be reinterpreted to fit changing times. How would you characterize your view of the Federal courts today?

Great confidence.
Considerable confidence.
An equal balance of good and bad.
Decreasing confidence.
Little or no confidence.

3. For five years we have been fighting an undeclared war against Communist aggression and terrorism in Vietnam, but a decision seems not much closer now than at the beginning. What should we do?

Victory should be our objective and we should commit whatever military force is necessary to achieve it.

A stalemate should be our objective, with our troops being gradually withdrawn and replaced by Vietnamese.

We should recognize that our involvement in this conflict was a mistake and withdraw all our troops as rapidly as possible.

4. Defense Secretary Laird has stated that during the past five years the Soviet Union has more than tripled the number of its nuclear missiles, while during the same period the United States has not increased the

number of its nuclear missiles. According to Secretary Laird, this has put us "literally at the edge of prudent risk." How should we react to this new Soviet military strength?

We should regain superiority over the Soviet Union in nuclear missiles.

We should maintain equal strength with the Soviet Union in nuclear missiles.

We should give a lower priority to defense spending in the expectation that this would reduce international tensions.

We should give up nuclear weapons altogether on the view that it is our possession of nuclear weapons that impels the Soviet Union to stockpile theirs.

QUESTIONNAIRE RESULTS AND FOLLOW-UP ACTION

(Each question appears in abbreviated form, followed by the given choices for response and the percentage of people choosing each one, in numerical order, with an explanation of the actions I have taken or plan to take in Congress on the issue covered by the question.)

Question 1. What do you regard as the most effective way to fight inflation?

39.7%. Substantial reduction, and if possible, elimination of Federal deficit spending.

30.7%. Mandatory Federal price and wage controls.

25.8%. Non-mandatory Federal guidelines, with strong Administration prodding of both business and labor to stay within the guidelines.

2.0%. Tighter control of the money supply by the Federal Reserve Board.

1.8%. Higher taxes to balance the budget.

Action: (a) Commitment to vote for all reductions in non-defense spending necessary to balance the budget, and against all increases in such spending which would maintain or increase the deficit;

(b) Commitment to vote against any further increase in the national debt limit;

(c) Legislation in preparation to curb the power of labor unions to obtain inflationary wage increases.

Question 2. How would you characterize your view of the Federal courts today?

41.8%. Decreasing confidence.

28.0%. Little or no confidence.

11.7%. Considerable confidence.

10.3%. An equal balance of good and bad.

8.2%. Great confidence.

Action: Confidence in the courts is clearly at an all-time low among my constituents. I am preparing legislation to deprive the Federal courts of jurisdiction in cases involving State laws on drug abuse, welfare eligibility, pornography, abortion and sterilization, and prayer in public schools, and depriving the Federal courts of authority to hear appeals from State criminal convictions where the guilt or innocence of the accused is not in question, but only the police procedures before trial. If my bill passes, all cases of these kinds would be handled by State courts. In California State judges can be voted out of office if they do not do their duty.

Question 3. What should we do in Vietnam?

41.2%. Victory should be our objective and we should commit whatever military force is necessary to achieve it.

29.6%. A stalemate should be our objective, with our troops being gradually withdrawn and replaced by Vietnamese.

29.2%. We should recognize that our involvement in this conflict was a mistake and withdraw all our troops as rapidly as possible.

Action: This response makes me sincerely proud to represent the people of the 35th Congressional District of California. Despite years of frustration, the loss of so many lives without apparent result, and an unprece-

dent, sustained propaganda campaign for the false "peace" of surrender to Communism in Vietnam, a strong plurality of my constituents still choose victory and less than three in ten want to withdraw without victory. I have reintroduced H.J. Res. 71 providing that if the Communist dictators of North Vietnam do not, within 30 days of Congressional approval of the resolution, release our prisoners of war and begin large-scale withdrawal of their forces from the territory of their neighbors, Congress will formally declare war against North Vietnam and make every effort to win that war. For those who fear that this would produce a nuclear showdown with the Soviet Union, President Nixon's leading national security adviser, Dr. Henry Kissinger, has stated: "It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union."

Question 4. How should we react to new Soviet military strength?

We should regain superiority over the Soviet Union in nuclear missiles. 43.2%

We should maintain equal strength with the Soviet Union in nuclear missiles. 39.1%

We should give a lower priority to defense spending in the expectation that this would reduce international tensions. 14.2%

We should give up nuclear weapons altogether on the view that it is our possession of nuclear weapons that impels the Soviet Union to stockpile theirs. 3.5%

Action: More than four-fifths of my constituents reject the now-fashionable "re-ordering of priorities" downgrading defense, which has dangerously lowered our military capability relative to the Soviet Union and is now breaking up the finest pool of trained engineering manpower in the world, assembled in Southern California. I will continue to call attention at every opportunity to the most pressing needs of our national defense. President Nixon has my full support in his proposed \$1.5 billion increase in military expenditures for the next fiscal year, and I have personally requested him to add to that sum for more strategic weapons systems, particularly the B1 bomber, the anti-ballistic missile (ABM) system, and nuclear submarines. Nondefense appropriations should be cut to match these increases in defense appropriations so as not to add to the Federal deficit.

Right to Life: The States now have the responsibility of defining the legal limits on abortion. However, by a mere exchange of bureaucratic memoranda last July, a policy amounting to abortion on demand was put into effect in U.S. military hospitals. I have re-introduced my bill (now H.R. 4257) to cancel that policy and require military hospitals to abide by the laws on abortion in the State where each military hospital is located, as they must also abide by other State laws pertaining to crimes against persons. We should remember that the most fundamental of all human rights is the right to life. When that is denied to anyone, however small and helpless, all our rights are put in jeopardy.

Air and Water Pollution: I am committed to support all necessary legislation to remove the serious threat to life and health now presented by air and water pollution. Very significant legislation for this purpose was passed last year (see "Action in Congress, Fall 1970" below) and more is proposed this year. The "ecology" issue should not be used as an excuse for greatly extending government control in areas other than the prevention of air and water pollution.

TAXES

The average person works more than four months each year to pay his taxes according to Library of Congress researchers.

In 1949, it took 13.5 weeks of work.

In 1959, it took 16 weeks of work.

In 1969, it took 17.6 weeks of work.

ACTION IN CONGRESS, FALL 1970

Clean Air Act: Signed into law December 31, 1970, the most far-reaching Federal anti-smog legislation ever enacted. Provides that automobile manufacturers must eliminate 90 per cent of the smog-producing pollutants now found in automobile exhaust, by the year 1975, or face heavy fines and long prison terms. It places similar restrictions on stationary sources of air pollution such as factories, and similar penalties for violation. Specifically allows the State of California to enforce even stronger anti-smog laws pertaining to automobiles. Voted yes.

Drug Abuse Prevention and Control Act: Signed into law October 27, 1970, it tightens regulatory controls helping to prevent illicit diversion of dangerous drugs; provides for more record-keeping and accountability for dangerous drugs and more rapid control of new drugs; increases penalties for repeat offenders illegally selling dangerous drugs. Voted yes.

Tariff and Trade Bill: Passed the House, defeated in the Senate. Would have set quotas on imports of shoes, textiles and oil, as well as requiring further limitations on imports when they exceed an arbitrary mathematical sales formula. The result would have been to raise the prices of many widely used consumer goods. Voted no.

Family Assistance Plan: Would have provided a guaranteed annual income for everyone, regardless of ability to work, at an estimated additional cost of \$10 billion in the first year alone, adding an estimated 12 million people to the welfare rolls over and above the 10 million already receiving welfare. The bill passed the House before my election to Congress, but was defeated in the Senate, and will be reintroduced soon. Will vote no.

Supersonic Transport: The major issue before Congress during its closing weeks. The decision being made was not whether to build an entire fleet of supersonic transports at public expense, but only whether to finish two government-assisted prototypes already more than half built. As President Nixon has pointed out, simply closing down the project at this point would cost almost as much as completing it. Alleged dangers of damage to the environment from this aircraft have not been substantiated (so long as it would "break the sound barrier" only over oceans). Therefore I voted to finish building the prototypes. I will not support appropriation of public funds to build a fleet of this or any other aircraft for commercial use.

VEYSEY INTRODUCES NEW BILL TO SAVE THE SALTON SEA

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. VEYSEY. Mr. Speaker, today I am introducing two bills to authorize the next step in saving the Salton Sea from death by salt strangulation. Thirty of my colleagues from the California delegation are joining with me to call for Federal participation in an urgently needed feasibility study of the best way to preserve the sea.

Authorization of the feasibility study will be one more milestone in the 6-year effort to keep California's largest body of water from dying.

In December 1965, as State assemblyman I began meeting with the broad spectrum of groups interested in saving the sea. We met every 3 months to de-

velop legislative solutions to the alarming increase in salinity and nutrients that is suffocating the sea. The result was State legislation which established the California Salton Sea Advisory Committee.

The committee, the State of California, and the Federal Bureau of Reclamation conducted a major reconnaissance investigation to develop alternative plans to stabilize the sea level, limit the salinity, and control the nutrient problem. They also developed engineering and financial data on the project.

The reconnaissance report documented for the first time the extent of the camping, fishing, swimming, and water skiing recreation presently enjoyed at the sea. It estimates that if the sea can be kept alive it will support 4,804,000 recreation man-days a year by the year 2000.

The report concluded that—

Further studies are necessary to determine the specific measures required to formulate a plan, and to evaluate its engineering and economic feasibility.

To end this, in my last term as an assemblyman I introduced A.B. 1487 which appropriated California's portion of the money for the feasibility study.

Mr. Speaker, the bills I am introducing today would authorize the Federal portion of the study. I urge my colleagues to join me in saving this magnificent recreation resource.

NARCOTICS, YOUR CHILDREN, AND YOU

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

MR. DE LA GARZA. Mr. Speaker, on the calendar for today is H.R. 5674, the Commission on Marihuana and Drug Abuse authorization bill.

I think it is especially appropriate at this time to comment upon a program conducted by the McAllen, Tex., High School. The Student Council of McAllen High School set up a seminar on drug education and abuse. These enterprising youngsters made arrangements with Mr. Art Linkletter to address some 1,500 representatives from student councils in the entire south Texas District Association. This district includes schools from Corpus Christi to Laredo and north to the Falfurrias-Premont area. The seminar was conducted with the cooperation of the local banks and Jaycees.

Drug abuse information, which I was privileged to help this group obtain, was put in packets which were handed out to each student. The students, in obtaining a speaker with whom all age groups were able to relate, and in making available factual information to all who wanted it, performed, to my way of thinking, a service which will give many of our youngsters a different outlook on the problem of drug use and abuse.

It is my sincere hope that through legislation, through our own actions and examples, and through a combined effort of

youngsters such as those at the McAllen High School and parents everywhere, we may eventually wipe out this evil which is sweeping our great country.

I know you and my colleagues join me in this hope, and I felt you would be impressed by what one group of youngsters is doing to achieve this goal.

INSIGHT IN THE NATURE AND DEPTH OF THE THINKING OF OUR YOUNGSTERS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

MR. ARENDS. Mr. Speaker, under leave to revise and extend my remarks I am inserting in the CONGRESSIONAL RECORD two editorials which appeared in the student quarterly publication at The Fessenden School, in West Newton, Mass. Their publication is called the *Albermarle*, and the editorials appeared in last February's issue.

What makes these editorials important is not solely their content, but the fact that one was written by a young man 13 years of age and the other by a young man 14 years old.

These two editorials give one an insight in the nature and depth of the thinking of our youngsters. One cannot but be inspired and encouraged to read them.

The editorials follow:

WAKE UP!

(By Robert M. Winer, 13 years old)

There is a crippling disease raging among American society today that is very basic in nature though generally unnoticed by most. The cure to this plague could greatly aid many other causes in areas such as health, ecology, and crime. I am speaking about the passive attitude and lack of true inward concern displayed by the average citizen. Need the silent majority be silent?

Too many Americans form superficial opinions about current political issues and stop there. For example, everyone agrees that environmental pollution must be curbed and earth, water and air should be de-polluted. However, many people have no willpower at heart to refrain from carelessly tossing away a beer can or candy wrapper, which they excuse as saying, "A little beer can (or wrapper) won't hurt any." If we all employ some willpower—don't litter, maybe pick up some papers, use our cars less—the environment would benefit and some government money could be channeled to other areas.

Politicians receive much unwarranted criticism along with that which is deserved. Measures for curbing inflation have already been suggested and it is the public who is also at fault when we forfeit low prices for the sake of convenience. We could also give politicians a boost in fighting crime and pollution. Too many people fear involvement. If they see an accident or robbery, they are reluctant to act as court witnesses. If a neighbor fouls the air by burning leaves, they are reluctant to report it.

It has been said that the shorter work week and mechanization give Americans more free time. This is the time that should be used to work toward constructive goals. More people ought to join organizations dedicated to helping man in various ways, such as stamping out use of harmful drugs

or aiding impoverished families. More people could write up petitions or letters to politicians with constructive suggestions.

There are many more ways for the silent majority to speak louder than the "vocal minority"—giving blood, employing birth control (or limiting size of families), contributing money to cancer funds or birth defect funds. An active populace is the backbone of democracy, and a passive citizenry is on the road to internal destruction. The time is gone when one could say, "But I'm only one person. I can't change anything." Be forewarned!

MILITARY SECURITY AND THE UNIVERSITIES

(By Malcolm Magruder, 14 years old)

There is a current trend among the universities to divorce themselves from the problems of military security and national defense. The cause is obvious—our current involvement in a war especially unpopular among the student population. But is this trend justified?

National defense and military security are facts of life that must be faced. The manner in which we of today approach our national policies in these important areas will have a profound effect on this nation for generations to come. This problem needs the participation of the best minds that this country has to offer. Brushing the problems of military security under the rug and pretending they don't exist will not solve anything. It is more than probable that such an approach will only compound the problem for the future.

It has been said that freedom is a delicate plant requiring constant nourishment. Its enjoyment carries responsibilities.

During World Wars I and II the youth of this nation took pride in meeting the obligations of national defense. ROTC was established at Harvard University in response to the demands of the student body during World War I.

The need to involve universities in the problem of national defense is just as valid today as a generation ago. Considering the complexities of the modern world, national defense requires the active participation of the university community.

The current trend should be recognized as a "cop-out". Unless the campuses are willing to face up to the reality of history, they will leave the defense of freedom to less competent hands.

LOCAL BOARD COMPOSITION AND INSTITUTIONAL RACISM

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

MR. DIGGS. Mr. Speaker, numerous arguments have been offered both favoring and opposing continuation of the draft. One of the most convincing arguments, and one which has been presented by both sides of the draft question, is an appeal for racial justice.

In fact, however, although proponents of the draft have claimed that a volunteer army would be predominately poor and black they have overlooked the present situation—in which draftees are already disproportionately poor and black. These oppressed minorities will serve disproportionately under either arrangement, but at least under a volunteer army concept they can hope to receive better compensation for their enlistment.

Under the present draft system, blacks, other oppressed minorities, and the poor bear the greatest burden—for many reasons: Student deferments work to the advantage of white registrants; better draft counseling within the college community and college deferments enable white youths to develop philosophical and procedural sophistication needed to gain conscientious objector status; reliance on prior medical history in determining medical deferments works against minorities who have not received medical care, although their health may be, indeed, worse than whites who receive medical deferments.

In order that both proponents and opponents might become more enlightened as to the odious racial aspects of the present draft system, I submit for the RECORD an excellent study of this subject by Paul T. Murray, assistant professor of sociology at Fisk University, Nashville, which he wrote after extensive research:

LOCAL BOARD COMPOSITION AND INSTITUTIONAL RACISM

(By Paul T. Murray)

The draft is hardly a popular institution in contemporary America. It has been denounced from a wide variety of political perspectives: it facilitates American imperialism in Vietnam; it deprives young men of their personal liberties; it favors the rich at the expense of the poor; it places life and death decisions in the hands of a few middle-aged men who are unsympathetic with today's youth. In February, 1967, critics of the draft received new ammunition for their attack upon the Selective Service System. Not only was the System taking young men to fight an unjust war in Vietnam, it was also an instrument of American racism. Black militants such as Stokely Carmichael and other members of the Student Non-Violent Coordinating Committee had made this charge in 1966, but when the report of the National Advisory Commission on Selective Service was released it was given official documentation. The report stated that in October, 1966, only 1.3% of the 16,632 local board members were black. As might be expected, this systematic exclusion of blacks was most prevalent in the South. Alabama, Arkansas, Louisiana, and Mississippi had no blacks serving on local boards. But this exclusion was not confined entirely to the South. Indiana, Kansas, and New Jersey also had no black representation.

The publicity surrounding the release of these findings generated much concern in the Selective Service National Headquarters. Not only was the news damaging its already tarnished public image, but the charge of systematic exclusion of blacks from local boards was being used as a legal defense by black draft resisters. Among others, Muhammed Ali and SNCC leader Cleveland Sellers had refused induction into the Armed Forces and were using the issue of black exclusion in their court cases. Drawing on the precedent of Supreme Court decisions on the systematic exclusion of blacks from jury duty, this approach seriously threatened to disrupt the operations of the draft. If the argument of systematic exclusion was upheld, the actions of many all-white local boards would be automatically invalidated and blacks would have a legally sanctioned reason for refusing induction.

In response to this threat, the Selective Service System suddenly discovered a strong commitment to equal opportunity for blacks. The System embarked on an earnest program to recruit blacks for local boards. Surprisingly, there was relatively little opposition to this effort. Even such previous strongholds of white supremacy as Georgia, South

Carolina, Mississippi, and Alabama joined the rush to appoint black local board members. By June 30, 1970, there were 1,265 Negroes serving on local boards in the Selective Service System, or 6.7% of all local board members. Although not yet at the 12% figure of blacks in the total U.S. population, this number represents a six-fold increase since 1966 and is steadily increasing. Before long it appears that the Selective Service System will be successful in eliminating the systematic exclusion of blacks from local boards.

Aside from blocking a potential legal defense for black resisters and removing an embarrassing source of public criticism, what has been the effect of appointing blacks as local board members in the Selective Service System? Has their appointment eliminated all traces of racism in the operation of the draft? Does the black registrant now fare better in the draft than he did in 1966? One way to answer these questions is to look at the statistics on non-white inductions collected by the Department of Defense. If the absence of blacks on local boards increased the chances of black registrants being drafted, then the significant increase in black board members should result in a decrease in the proportion of black draftees. If the appointment of blacks to local boards insures equal treatment for all draftees, then blacks should not be drafted out of proportion to their numbers in the civilian population. These hypotheses, however, are not supported by the evidence. In 1966, when only 1% of local board members were black, 12.4% of all draftees were non-white. In 1970, when nearly 7% of local board members were black, 15.8% of all draftees were non-white. Instead of declining, the proportion of black draftees has dramatically increased from 1966 to 1970. While blacks were drafted in rough proportion to their numbers in the civilian population in 1966, blacks are now drafted substantially in excess of this proportion. Clearly, the appointment of blacks as local board members in the Selective Service System has not appreciably affected the racist operation of the System.

To explain this apparent contradiction, we must examine the position of local board members within the Selective Service System. The local boards meet once or twice a month usually for a period of two to three hours. At these meetings they spend most of their time deciding changes in draft classifications. A large majority of the cases which they act upon are of a routine nature and are automatically passed at the suggestion of the local board clerk. The bulk of board members' time is devoted to those cases in which the registrant is making a personal appearance to appeal his classification. Most of these appeals are made on grounds of conscientious objection, hardship, and, until recently, occupation. Thus, only a very small proportion of all reclassifications receive any close attention from local board members. In effect, they are made by the clerk of the local board. Although they can exercise wide discretion in certain cases, such as conscientious objection, the actions of local board members must follow the regulations of the Selective Service System. Although there may be variation from board to board, these classification decisions are primarily guided by national standards. Even a deliberate conspiracy on the part of local board members to draft as many blacks as possible would have little effect within the limitations of the guidelines established by the System. On the other hand, even if every local board was all-black, the current disproportion of black draftees would not be significantly reduced as long as members remained obedient to national directives. The reason for the disproportionate numbers of black draftees must be found in sources other than the composition of the local board.

The rapid increase in the number of black local board members is probably the best indication that this is a relatively powerless

position. Most local board actions are routine and classifications are made by the clerk who is a full-time employee in contrast to the local board members who serve without compensation. Many observers have remarked that the clerk of the local board actually wields most of the power which is legally entrusted to the local board. However, the exclusion of blacks from the compensated positions within the Selective Service System has not received nearly as much attention as the exclusion of blacks from local board membership.

Selective Service figures on full-time compensated personnel as of November 30, 1970, indicate that 447 Negroes are employed full-time by the System out of a total of 6,527 full-time employees. This figure represents 6.85% of all full-time compensated personnel, approximately the same proportion of black local board members. However, there is a considerable difference in the geographic distribution of these employees. Three hundred and thirteen of the 447 black Selective Service employees (70%) are employed in New York, District of Columbia, Illinois, California, and Michigan. In the South blacks are still almost completely excluded. Of 1,779 compensated personnel in 12 Southern states, only 32, or 1.8%, are black. The System has had considerably greater success in appointing blacks to local boards. There are 448 blacks currently serving on Southern draft boards, 9.2% of all local board members.

The exclusion of blacks from compensated positions within the System may have a slight effect on the number of black draftees, but, as in the case of local board members, this is not a major reason. The cause of the disproportionate number of black draftees must be sought at the national level. Ultimately, it is the regulations of the Selective Service System and the standards of the Armed Forces which determine the number of blacks who will be drafted.

Within the Selective Service System, the major sources of institutional racism are the standards for deferment. It is generally recognized that the provisions for student deferments works to the advantage of white registrants. Since fewer blacks attend college or participate in apprenticeship programs, they are less able to use this means of avoiding the draft. Although many college students are forced to enter the Armed Forces following their graduation, they have been able to postpone military duty for four years. During this time, they have gained the necessary qualifications which will enable many of them to obtain officers' commissions. Others take advantage of this time to look for loopholes in the System. The college deferment has enabled many youths to choose their period of military service. Young men who were eighteen in 1966, when the Vietnam fighting was greatest, have been able to avoid the draft by going to college until their graduation in 1970 when the level of combat deaths had declined considerably. The elimination of deferments for graduate students has removed one source of racism in the draft, but this inequity will not be totally eliminated until all student deferments are abolished.

A second classification which works to the advantage of whites is the conscientious objector (CO) status. Although CO's are a small proportion of all Selective Service registrants, they are overwhelmingly white. Not only are the traditional pacifist churches almost entirely white in their composition, but the college deferment enables many white youths to develop both the philosophical and procedural sophistication needed to gain conscientious objector status. The nearly complete absence of draft counseling facilities on black campuses and in black communities compounds this inequity.

Hardship and dependency deferments are the final major classifications granted by the Selective Service System. Based upon the

social and economic conditions of blacks in the United States, one would expect a large proportion of blacks in this category. However, the greater sophistication of draft age whites may affect even this source of deferment. Since the Selective Service System does not collect data by race, it is impossible to determine whether or not this classification also works to the advantage of white registrants.

The elimination of occupational deferments has removed one major source of racial inequity in the Selective Service System. However, as long as any deferments remain, they will probably be used to the advantage of white registrants. Middle class white college students have become highly skilled in manipulating the regulations of the System. Most blacks are excluded from the sources of this sophistication and accordingly suffer from any system of deferments.

A second major source of inequity in the draft lies in the medical standards for induction. Men who are considered to be physically unfit for military service are given either a I-Y or a IV-F deferment. In cases of obvious impairments, the local board may make this decision, but in most cases the men are forwarded for examination to the Armed Forces Examination and Entrance Stations (AFEES). Here they are subjected to the military examination which has been immortalized by Arlo Guthrie in "Alice's Restaurant." Many medical surveys have shown that the poor receive much less medical care than affluent Americans and when treated they receive poorer quality of care. Thus, one would expect that since a large proportion of blacks are poor, more blacks would receive deferments for medical reasons. However, this is not the case. Whites consistently receive nearly fifty percent more medical deferments than do blacks. From 1950 to 1966, 21.9% of the whites were rejected at the physical examinations while only 14.5% of the blacks examined were rejected. In recent years, the total rejection rate has increased, but the racial disparity remains. For Fiscal Year 1970, 34.6% of the whites examined were rejected on medical grounds, but only 24.5% of the blacks examined were rejected for similar reasons. Bernard D. Karpinos of the Surgeon General's Office cites two reasons to explain this difference: 1) the less frequent exposure of lower class youth, i.e. blacks, to medical care which makes them less aware of their physical ailments and denies them the medical records on which many medical deferments are based, and 2) the greater sophistication of middle-class youths, i.e. whites, with regard to the medical standards for deferment. Ironically, the rate of medical disqualification increases in direct proportion to the educational level of the men examined.

Since the Army medical standards include a wide variety of ailments as grounds for rejection, nearly all resourceful young men can discover some medical condition which would be grounds for medical deferment. All that is needed is a knowledge of Selective Service requirements, a sympathetic physician, and sufficient money to purchase the services of a physician. On all three counts, black youth are at a serious disadvantage.

Only one source of deferments works to the advantage of the black registrant. This is the mental qualification for induction. Since 1950, all men entering the Armed Forces have had to make a score at a specific level on the Armed Forces Qualification Test (AFQT). Although the level for rejection has changed from time to time, the proportion of blacks who fail this test has consistently been four times greater than the proportion of white failures. From 1950 to 1966, 54.1% of the blacks examined were rejected for deficient education, but only 18.6% of the whites were rejected for this reason. Since 1965, the Armed Forces' educational stand-

ards have been lowered on several occasions. Although blacks are still rejected in larger proportions than whites, the total rejection rate has been reduced substantially. In Fiscal Year 1970, 5.3% of the whites examined were rejected for low scores on AFQT while 29% of the blacks were rejected for this reason. Despite this high rejection rate, the absence of other deferments insures that a large proportion of the draftees will be black. Among the men found physically and mentally qualified, more blacks are drafted. A 1964 survey conducted by the Department of Defense showed that among qualified men aged 26 to 34, 30.2% of the blacks had been drafted in comparison to 18.8% of the whites. If the same survey were conducted today, this disparity might be even greater due to the reduced educational standards.

Other Armed Forces' programs also contribute to the disproportionate number of black draftees. The virtual absence of blacks from the Army National Guard and Air National Guard gives white youths a monopoly on this means of avoiding the draft. The same is true for the various Reserve programs of each of the Armed Forces. The under-participation of blacks in the various ROTC programs and the absence of these programs on many predominantly black campuses is yet another reason for the disproportionate number of black draftees.

Although all but one of the above mentioned sources for avoiding the draft work to the benefit of white youths, they cannot explain the sudden and dramatic increase in the number of black draftees after 1966. The non-white induction figures shown in Table I reveal that from 1966 to 1967 the proportion of black draftees increased from 12.4% to 16.3%. Since 1967, the proportion of non-white draftees has remained at nearly this level. The major reason for this increase is Project 100,000. This program, begun in 1966, lowers the standards for induction and enlistment so that men who previously would have been rejected on medical or educational grounds are now accepted. Ninety-two percent of these "new standards men" came into the Armed Forces as a result of the lower educational standards. Of the first 246,000 men who were included under this program, 47% were draftees and 41.2% were non-white. Without Project 100,000 blacks would have been approximately 11% of all draftees. During this period the "new standards men" were 13% of all inductions.

TABLE I.—ARMED FORCES INDUCTIONS, JUNE 1952—NOVEMBER 1970

Calendar year	Total inductions	Nonwhite inductions	Percent nonwhite
1952 ¹	242,602	37,974	15.65
1953	470,545	60,827	12.92
1954	252,785	22,120	8.75
1955	151,943	13,877	9.13
1956	152,651	15,534	10.17
1957	138,339	17,036	12.31
1958	142,009	16,358	11.51
1959	96,094	10,553	10.98
1960	86,395	11,845	13.71
1961	119,020	17,790	14.94
1962	81,319	14,111	17.35
1963	119,159	18,673	15.67
1964	111,955	16,961	15.14
1965	232,014	31,060	13.38
1966	382,396	47,504	12.42
1967	228,743	37,336	16.27
1968	296,251	44,642	15.06
1969	284,924	45,691	16.03
1970 ²	155,404	24,537	15.78
Total	3,726,074	542,293	14.47

¹ June-December.
² January-November.

Source: Qualitative Distribution of Male Enlistments, Inductions, and Rejections, DD-M(M)663.

When Project 100,000 was introduced Secretary of Defense, Robert S. McNamara, ex-

plained that his plan to "salvage" 100,000 men a year through the Department of Defense was an important part of the anti-poverty effort. "The poor of America," he said, "can be given an opportunity to serve in their country's defense, and they can be given an opportunity to return to civilian life with skills and attitudes which for them and their families will reverse the downward spiral of human decay." Adam Yarmolinsky, the McNamara assistant who is often credited with originating the program, defended the program in similar terms. He concluded that the men who served under this program would return "to civilian life with new confidence in their ability to contribute to civilian society."

The noble rhetoric associated with the introduction of this program masked its primary purpose. At a time when the manpower needs of the Vietnam War were rapidly increasing, this program took the pressure of the draft off of the "more vocal" elements of the population. Although there was never a shortage of manpower, poor whites and blacks were inducted in the place of college students to reduce protests against the draft and provide the Armed Forces with a more manageable manpower supply. Any training these men received was purely incidental to their primary function to serve as combat soldiers. The "new standards men" received no special training. They were allowed greater time to complete the normal educational cycles, but after that time they were treated no differently than any other soldiers. The skills which these men acquired can be inferred from their military occupational specialties. Thirty-seven percent of the "new standards men" were assigned to combat specialties. This compares with 23% of the men in a control group. Among Negro "new standards men" in the Army the percentage in combat specialties reached 45%.

If this program was being implemented solely from altruistic motives, then it would not have been necessary to draft the "new standards men." But participation in this program has never been voluntary. Nearly half of the men who have entered under the lower standards have been draftees. Project 100,000 has always been primarily a method for enlarging the military manpower pool. This was done at the expense of the poor and the black to the advantage of the white and the affluent. Any social benefits which may result from this program will be completely secondary and entirely unrelated to its primary purpose of protecting the sons of the middle class from the draft and Vietnam.

The introduction of blacks to serve as local board members will no doubt reduce blatant examples of individual racism in the Selective Service System. The equitable representation of all segments of the population in the system is a worthy goal and should not be abandoned. However, those who are concerned about the fate of blacks in the draft should not abandon their efforts once an equitable proportion of blacks has been appointed to local boards. Another more important problem remains—the pervasive institutional racism of the draft. As we have shown, the actions of the local board members are of relatively little consequence in determining the number of blacks who are drafted. Even if all members of the Selective Service System were black, the number of black draftees would not be appreciably reduced as long as they followed the present regulations. To fight solely against the exclusion of blacks from local boards misdirects the energies of those alarmed about racism in the Selective Service System. Such individual efforts will have little more effect than a garden hose against a forest fire. Protests of individual cases will only be effective if they can serve as a means of education to transform the issue from one of individual racism to one of institutional racism.

Short of entirely abolishing the draft, several steps can be taken to relieve inequities in the current draft system. 1) A program of intensive lobbying should be conducted to support the proposal submitted to Congress to eliminate all student deferments. 2) Draft counseling facilities must be made as available to black youths as they are to white youths. This means the establishment of draft counseling centers on black campuses and in black communities. Draft age blacks must be made aware of the existing opportunities for deferment and appeal. 3) The Armed Forces physical examination should be seriously overhauled. Reliance on prior medical history should be made secondary to complete, thorough, and impartial examinations at the induction centers. Black physicians should be recruited to participate in these examinations. 4) Project 100,000 should be made completely voluntary. Men who are eager to enlist in the Armed Forces should not be prevented by an arbitrary educational standard. However, these men should be allowed to weigh the advantages of military service themselves.

Of course, the best way to eliminate this racism is to abolish the draft altogether. This one step would remove the need for several separate reforms. Those opponents of draft abolition who argue that an all-volunteer Army would be predominately poor and black fail to realize that the current draftees are also disproportionately poor and black. These men are now bound in a form of involuntary servitude. The pay they receive can hardly compare with their potential earnings in the civilian economy, even in a time of recession. Continuation of the draft would only perpetuate the handicaps forced on the poor and the black draftees. Simple justice demands that these men receive an adequate income, especially when all men do not have to serve. If the draft can be considered a tax in kind, it is an extremely regressive levy. Instead of falling most heavily on those able to pay, it penalizes those who can least afford it. Blacks and the poor should not be victimized any longer by this unjust system of taxation.

Many arguments support the abolition of the draft, but the elimination of institutional racism should be the most persuasive.

A FEW KIND WORDS FOR AMERICA

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHWENGEL. Mr. Speaker, on March 21 of this year a distinguished Iowan, Mr. Gardner Cowles of the Cowles Publications, by invitation addressed the volunteer bureau of Des Moines. This address is so very pertinent and worth while that I deem it worthy of note in the CONGRESSIONAL RECORD so that my colleagues and all readers of the RECORD may have the opportunity to read, ponder on, and learn from the insights and conclusions of this distinguished Iowan.

The title of his address is "A Few Kind Words for America." How timely and worth while this subject is just now. His address, as you will note, deals with the broad question of what America has done, is doing, and will do. While I could not be present at the meeting, I have heard from reports of those who were there that it was a magnificent and needed dissertation and was presented by its author very effectively.

Mr. Speaker, I have read this speech several times and I, too, am thrilled by its message of insight, of understanding, of assurance, and of challenge. I believe this should be read by every American in every strata of American life. It can do much to help us better understand ourselves as we work for today and plan for tomorrow. The address follows:

A FEW KIND WORDS FOR AMERICA

DES MOINES CONSISTORY,

March 23, 1971.

I am pleased to be included in this Volunteer Bureau luncheon, pleased to have the opportunity to help honor the outstanding volunteers of the year. Des Moines is a better city—a better place in which to live—because of the efforts of hundreds and hundreds of volunteers working on so many different community social problems.

If I may be permitted a personal reference, my thoughts this noon go back almost 40 years—to 1932—to the dark pit of the Great Depression. I was Chairman that year of the Annual Fund-raising campaign of the Community Chest. I was young. I was scared. But that job gave me the most valuable experience of my life. I came to know Des Moines—the problems of Des Moines—the people of Des Moines—their basic decency and generosity—their willingness to share—to help each other.

Volunteer work not only helps solve many social problems, but it benefits the volunteer by making him or her a better citizen, a more concerned citizen, a better-informed citizen. It adds a dimension to living beyond just holding a job or making money or raising one's own family. I think the thousands and thousands of non-governmental social agencies across this nation of ours is one of the main reasons America has grown to greatness.

It is fashionable these days to downgrade America—to view the future with alarm and despair. I don't feel that way. I believe America's finest hours lie just ahead. When I was a teenager, blind patriotism was the fashion—"right or wrong, my country" typifies the mood of a half century ago. Today I think the mood is better—like "when my country is right, I will support her. When my country is wrong, I will try to put her right."

The Vietnam War is a good example. The people have decided it is an immoral war. The people have decided it must end. The force of public opinion drove Lyndon Johnson from the White House. President Nixon has said if he hasn't substantially ended the Vietnam War by the summer of next year, there is no point in his even attempting to run for a second term. That war has prevented us from acting effectively on many vital domestic problems. Now we're going to have a chance to do many things which have needed doing over the last decade.

Take medical care, for example. Do you know that although the United States spends more of its gross national product for medical care—\$1 out of every \$14—than any other country on the face of the earth, we have dropped in the last 20 years from seventh to sixteenth in the prevention of infant mortality. We have dropped from sixth to eighth in female life expectancy. We have dropped from tenth to twenty-fourth in male life expectancy. It is perfectly obvious we have a decrepit, inefficient, high-priced system of medical care. We must do something about it and we will.

Nor do I despair about pollution. It is a huge problem, but it can and will be solved. I do not know of a single large corporation that is not moving rapidly to eliminate or substantially reduce the pollution it is causing.

I was in Detroit two weeks ago and talked with a dozen of the corporate officers of General Motors, Ford and Chrysler. In a very few years, the new cars running on lead-free gas-

oline will cause only a small fraction of the pollution the older cars now cause.

Science is finding ways to re-cycle waste. There is no reason why a decade hence, we cannot again have clear air and clean water and cities not buried in refuse, dirt and grime. I even have hopes for New York City whose problems seem so monumental no possible solution can be imagined. But slowly I believe it will find a way to cope with its worst problems. What technology has done to the Earth, technology can cure.

I am not going to dwell on America's most shameful problem—her treatment for nearly three centuries of her black minority—for progress on this problem is obvious to all of us—in integration in schooling and housing, job opportunities, voting rights, and in eliminating dozens of discriminatory practices which should have been banned long, long ago. Much still remains to be done, but the trend is right. That is the important point.

Pessimists and cynics among us say that America, once the hope of the world, has now become the most disliked, distrusted, even hated nation. This is nonsense. Let me give you just one example.

Take France. We had our problems over many years with de Gaulle. But I was in Paris just a month ago. I read in the French press the results of a recent nationwide scientific poll—a la the Gallup poll here. The French people were asked: "What country in the world do you consider the best friend of France?"

The United States, a huge ocean away, got 25 per cent of the votes. One French man or woman out of every four regards the United States as France's best friend in all the world. Belgium and Germany tie for second place with 9 per cent each—or less than one vote out of ten. Britain is fourth with 8 per cent, Canada fifth with 5 per cent, and Russia sixth with 4 per cent.

If that's anti-Americanism, let's have more of it.

Let's look at another frequently heard allegation. This is that U.S. Policy has somehow turned aggressive, or imperialist, or that our big-power role and set of alliances somehow endangers world peace.

How do the French feel about that? They were asked in a nationwide poll a few months ago: "Which are the three countries which could constitute a danger for France ten years to come?"

Results (in percent):

China	59
Arab countries	39
Russia	32
Germany	28
Japan	24

And only then does the alleged ugly American imperialist rear his head: only 7 per cent of the French worry about any danger from the United States.

Or test America's standing another way. Who wants to emigrate to the United States? Well, the legally allowable quota comes in each year from virtually every nation, and thousands more sneak into the United States illegally.

Some statesman said years ago people vote with their feet. If we should drop all bars to immigration, it is obvious millions of foreigners would move to the United States each year. I say America is still the hope of the world.

The American economy right now is temporarily soft, or slow, or stagnant. This is not due to the fact that people lack money. Spendable income, after taxes, in the hands of the public was never higher. Savings in the hands of the people are at an all-time high. Credit is readily available. Interest rates are reasonable again.

The problem is: the public and businessmen have somehow lost confidence in the economy. They feel unsure of the future.

They are afraid of a depression. They want to keep their assets liquid.

This nervous feeling will pass in time. It always has. But the quicker confidence can be restored, the better for all of us. America is not going to hell in a handbasket.

We need to preach the philosophy of the famous line in President Jack Kennedy's inaugural address: "Ask not what your country will do for you—ask what you can do for your country."

I feel much better about America today than I did—say two years ago. Then—the Vietnam war was tearing America apart. Now everyone is agreed we must get out. The only question now is: how—and how fast?

Don't put blind faith in our military leaders. Let me illustrate with one personal experience. I was in Vietnam six years ago when the first contingent of U.S. Marines landed at Danang. The next evening I had dinner with General Westmoreland in Saigon. At that time I believe we had about 150,000 American troops in Vietnam. He said: "Cowles, if you can help me get another 100,000 troops over here, I can end this war with victory in one year." Well, he got not 100,000 additional troops but at least 350,000. But here we are, six years later, still mired down in Vietnam. And you all remember the numerous wrong predictions of Secretary of Defense Robert McNamara.

Now General Westmoreland and Bob McNamara are high-grade, intelligent, honorable men. But neither, like most of us, realized the tenacity of a people like the North Vietnamese who feel they are fighting for their homeland. Neither of them, like most of us, realized the problems of guerilla warfare in a country of rice paddy fields, swamps, jungles, and torrential rainy seasons—where you can't tell who is your enemy and who is your friend.

When the whole immoral, bloody mess ends, the American people are going to be unbelievably shocked by the story of corruption, and graft, and inefficiency, and waste, and sheer stupidity—to say nothing of dishonest official reports of the fighting issued from time to time by the high command and Washington—which will gradually come to light.

But the war is coming to an end. That is one of the basic reasons I feel better about America today than I did two years ago.

Another reason is that I think the young in our colleges have a more sensible attitude about America's problems. The voice of the fanatical radical fringe, who wanted to destroy the whole American establishment, is now less shrill. The young are beginning to work logically on practical solutions for America's problems.

This is true also in the top ranks of our great corporations. A few years back, the overwhelming attitude of corporate officials was that their sole job was to make money for their stockholders. Today this has vastly changed. Today, corporate officers realize they must end pollution—whatever the cost. They realize they can no longer abandon an old plant, or build a new one in some other area, without taking into account the effect of their decision on their employees and on the community as a whole. In other words, most of them now admit the corporation has an important social responsibility beyond sheer money-making.

America can solve her problems if we can just get the country united again—with patience and confidence.

Don't get too alarmed by today's unemployment figures. Most of us thought the United States did quite well in the eight years Eisenhower was in the White House. Well, the average per cent of unemployed during the Eisenhower years was almost exactly the same as the per cent of unemployed today.

One more thought and then I am through. We claim to be a peace-loving nation. Yet

we have a national anthem talking of war—"bombs bursting in air"—"By the rocket's red glare" et cetera. Why not get a new national anthem not stressing the glories of war? Like "God Bless America"? That one we could sing with pride!

Thank you.

WHAT CAN MY COUNTRY EXPECT FROM ME?

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. WYLIE. Mr. Speaker, each year the Washington-Perry Women's Republican Club sponsors what it calls a U.S. Government Award, for which the winner receives \$100. The award is based on an essay along with scholastic achievement in courses dealing with our American history and government.

This year a delightful young lady from my district, Miss Deana Elliott, a senior at Dublin High School, Dublin, Ohio, won this contest. Young people such as Deana are the hope for the future of America. It is inspiring to see, reduced to writing, such an eloquent expression of love for country. So impressed was I with her essay, that I hereby insert Miss Elliott's essay in the CONGRESSIONAL RECORD:

WHAT CAN MY COUNTRY EXPECT FROM ME?

The internal rebellion in the United States is a prime concern of most interested and loyal Americans. I have reached a level of maturity that allows me to see and feel this near civil war. I do not want to see the United States torn apart and taken over by outside forces working within. Even if I am only one small person, I must try to save my country.

I will be a type of revolutionist myself, but I will not throw rocks through windows to draw attention to my cause. What is my cause? It is a cause to restore loyalty and respect in the hearts of Americans, a cause to restore faith and honor when the American flag is seen, and a cause to unite all the people in America to build a better country for ourselves and to help the entire world. My revolutionary activities will be peaceful means to accomplish my cause.

I doubt if my country can expect me to do something so great that my name would appear in history books, but it can expect me to do my best in anything that I undertake. I believe that helping Americans extends as far as trying as hard as I can in school to learn as much as possible. There is no place in the world that I can get a better education, and my country expects me to use this opportunity to the fullest. I feel that it is my duty to study and work as hard as I can in school or at any job I do. My country also expects me to take full advantage of the other opportunities that I have such as participation in the governing process. When I go to vote, I will inform myself on what I will vote for, and I will make sure that I vote for every issue no matter how unimportant the choice may seem. Since I will probably vote as an eighteen-year-old, I feel a new responsibility to prove to my country that eighteen-year-olds are old enough and mature enough to vote as adult, not as irrational teenagers.

My country can expect patriotism from me. I believe that as an American and that as an active part of the government that I should stand behind the decisions of the

leaders of my country. I know that I will not always agree, but we as Americans must stand behind our leaders or else our country will crumble on its very foundation. Patriotism means many things to different people such as carrying a flag, or cheering for the President, or voting in an election; but I know that patriotism is more than a flag, a cheer, or a vote. Patriotism is the belief in one's country that no matter what happens the country will survive. My country can expect me to firmly believe in it and stay loyal to it through many trying periods.

My country can also expect something else from me called love. I do love my country, and I know that I would never want to live anywhere else in the world. America has given me many things to love it for, but I think I love it most for my freedom. Other countries may have freedom, but not like that which I enjoy. I grew up knowing nothing but this freedom, and I really do not appreciate it as much as I should. One of the most important freedoms to me is freedom of religion. As I go to college next year, I will see freedom at work in many ways. One way is that I can choose the profession that I wish to pursue. I also love my country for the interest that it shows in each individual. Few countries have such medical advances ready to help them in sickness. Although some of our federal aid programs have faults, these programs show that this country is run by and for the people.

Last of all my country can expect me to pray to God for His help and guidance in my country's activities. This is the prayer that I pray for my country:

"Dear God: Please help us Americans guide ourselves through the times to come. We know that our path will not be an easy one if we are to succeed in saving our country from destruction. I promise to do my part to help my country, and I pray that others will do so. I pray for the strength that I need and that others need to fight for the United States of America.

"I pray for my country. Amen."

A LOOK INTO TOMORROWLAND

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SHRIVER. Mr. Speaker, an editorial written by William Krause, editor of the Peabody Gazette-Herald in Peabody, Kans., which literally speaks for itself. It serves as a timely warning that the United States today may be in danger of losing its technological leadership in aviation:

A LOOK INTO TOMORROWLAND

The time: 1976 or 1978, perhaps.

The place: the floor of the U.S. Senate, or an inauguration, or some very important nationwide gathering.

The speaker: Who Knows? Ted Kennedy, Ed Muskie, maybe even Hubert Humphrey or William Proxmire (no that is too, too much).

And the speech goes something like this. My fellow Americans, we are facing the most serious international crisis since 1812. America, the world leader in industry, aeronautics and producing all manner of technological masterpieces, finds herself trailing badly in the most important areas for future development.

American airlines are flying Russian and French aircraft. Russian astronauts may be landing on Mars or Venus any day. America, once the world leader in both of these areas, now trails far behind.

Wake Up America, we are fast becoming a second rate nation. We will soon find ourselves at the mercy of the more advanced technocrats. Japan is now in the position of challenger to the leader, and we are not even challenging.

But, Fellow Americans, there is still time and there is still hope. However, to survive, we must act dramatically and we must act now—under my leadership.

Put me in the White House (or follow my leadership now that I am in the White House) and America can be saved.

(Does this all begin to sound familiar or interesting to you? Can you just sort of guess what comes next? Sure you can.)

But, to regain our lost pre-eminence in these vital fields we must act quickly and we must act now. And this means (and here it comes folks) a massive infusion of money into the dying aerospace industry now. We must appropriate important sums of money, we must search out our best scientific minds and this must have top priority.

And that speaker will hardly even refer to 1970 and 1971 as the years that the federal government tried to kill the flying machine business.

TRIBUTE TO THE LATE NOLEN BULLOCH

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to comment on the loss of a very dear friend of mine, Mr. Nolen Bulloch.

Nolen passed away yesterday in my home district of Tulsa, Okla., after a long bout with emphysema.

Nolen was a man who fought many battles in life; and I will always remember him as a close friend who in his quest for honest and factual news reporting worked tirelessly in that effort. He represented and epitomized the type of person who makes this country great. Nolen was a courageous reporter who always sought to keep the public informed of the truth no matter what the self-sacrifice entailed.

An example of his courage is demonstrated when we go back in time to the early 1930's. Nolen was working as a reporter for the Chicago Sun-Times and posed as a student at a small college and revealed that it was a Communist institution. As a result, when the students discovered his true identity, they severely beat him causing a leg injury which left him with a permanent limp.

I first became acquainted with this great man more than 25 years ago, when he first joined the Tulsa Tribune. In those years he covered political activity from the precinct level to the national level for both the Democrat and Republican Parties.

I believe Nolen demonstrated the type of person that he was when he was quoted in the Tulsa Tribune approximately a year ago as saying:

It has been my reward even in exciting stories in telling the truth . . . continuing to be curious and tell the story, that is where you get your rewards.

Even with his devotion to his job, he found time to devote to his family and to

serve as a vestryman for his church for many years.

He will be greatly missed by all who knew him as the great man that he was. I extend my deepest sympathy to his wife and children.

NUCLEAR MATTERS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HOSMER. Mr. Speaker, there follows extracts from remarks I made on April 22 to Southern Interstate Nuclear Board's meeting in Dallas on "Innovative Applications of Radiation":

Environment radiation. It can be said without contradiction that this industry, the AEC, and the Joint Committee developed the world's first comprehensive environmental protection program of any kind, and it is probable that this program is still, today, the only truly effective one ever devised. . . . If Federal, State and local governments had applied to air pollution or water pollution or solid waste disposal the same resources, discipline and foresight that 25-years ago the Atomic Energy Act applied to radiation protection, there would be no national environmental crisis today.

Private enterprise. Uncle Sam has long since gotten out of the business of financing light water power reactors. He is moving toward an era when he will sell his Plowshare peaceful services to industry on a regular commercial basis. Sooner or later we will also inevitably shift our way of running the uranium enrichment business from strictly public to predominantly private. The question is not whether it will be shifted, only when.

Radiation exposures. Actually, the typical natural background human body radiation exposure amounts to around 125 mr's per year, and maybe twice that in some places. . . . Compare this 5 to 10 mr with the 350 mr—almost triple the natural background—a person could theoretically receive by living for a year in Grand Central Station in New York City because the building is made out of granite.

Not too long ago, with the help of the AEC, I had a radiation survey made of the U.S. Capitol. As you might expect, the granite, brick and other stone in these buildings caused radiation exposures at levels somewhat above naturally occurring background for the Washington area. We found, for example, that the entrance to the Rayburn Building has a level of around 237 mr on an annual basis, and the stone facing of the New Senate Office Building is 324 mr above background. The hottest thing on Capitol Hill turns out to be the granite base for Arizona's statue of its local hero, Jesuit missionary Eusebio Francisco King. Beneath the good Brother Eusebio's feet, the readout is 330 mr per year. Someone might point out that one would have to live with the good padre 24 hours a day, 365 days a year to get the 330 mr and I would point out that this is no more fantastic than expecting someone to live next to the fence of a reactor site for 24 hours a day, 365 days a year to pick up the crummy 5 to 10 mr's above background that some people seem unwilling to trade for an adequate supply of electricity.

I suppose whether the statutes at the Capitol have any particular biological consequences is not for me as a lawmaker to say. But I have during 20 years in the Congress observed some rather peculiar behavior on

the part of some of my colleagues. For example, my being my own witness, I might be able to make a case that radiation exposure over a long period of time in Congress could have the following adverse consequences: (1) People become prone to fuzzy and sometimes illogical thinking; (2) Frequently men engage in prolonged periods of nonsensical talk; (3) They may tend to become excessively stubborn and vain; (4) They may suffer from delusions of grandeur; and (5) Sometimes they develop a condition that one of my medical friend's has diagnosed an egocentric monomania compounded by the Napoleonic complex. So, you see, the U.S. Capitol may be an awesome radiation hazard after all, but I do not recommend abolishing it. If somebody acted on that recommendation, it could cost me my job.

Plowshare. Industry is poised and anxious to bring Plowshare natural gas safely to the consuming public which needs it. AEC is poised, but seemingly not anxious to do so. It has offered a 5-year program to put this kind of gas into the pipelines, but doesn't want to start spending money on it for another full fiscal year . . . I think I am going to be successful in a move to get the program going now by adding \$2.6 million to the Plowshare budget. This will provide enough cash to keep momentum up in our program to perfect low radiation, small diameter underground gas stimulation nuclear devices. It should let us carry forward the Rio Blanco gas stimulation project in Colorado as a simultaneously fired multiple explosion event. That will give us what we need to know to conduct the Wagon Wheel experiment aimed at creating an entire natural gas field with minimum seismic side effects by exploding a rippling series of several fully contained but interconnected underground shots . . .

Enrichment. The United States has had a total security clamp down on the centrifuge since 1965 and no foreigner doing research with it is saying anything about his progress, either. But, if the centrifuge actually is going well, it will be a lot cheaper, simpler and quicker to go centrifuge than to build new diffusion plants. And, if we go the centrifuge route, the date to start avoiding a nuclear fuel gap is no longer 1973. It could be 1975 or '76 or even as late as 1977, depending not only on progress in centrifuge technology but also other variables like how much enriched uranium you preproduce before 1980, whether and when you decided to raise the tails assay in operating the existing diffusion plants—and soon . . . I feel reasonably confident this can of worms will be unraveled and we will avoid a nuclear fuel gap. And, I am certain that the first step to bringing order out of chaos is for President Nixon to release the \$16 million he impounded from last year's appropriation that is needed to begin the cascade improvement program . . .

Breeder Reactors. We hope by 1985 to have demonstrated the breeders and by the year 2000 to be about half way into the transition from the light water economy to the breeder economy. From many standpoints, including the economic, keeping this approximate schedule for nuclear power development is highly critical. If we miss it badly, we will run into a period when uranium ore becomes short in supply and exceedingly expensive. In any event, each year we have to enrich uranium because we lack breeders is a year when we are not yet getting our nuclear fuel for nothing. For this and related reasons it is estimated that each year we make this time schedule is worth to the nation the tidy sum of \$1.3 billion in benefits over cost . . .

So, here we are. Counting down \$50 million already authorized as the Federal contribution to the first demonstration plant and holding for industry to come up with its share of the required megabucks, which

could add up to around \$450 million for the first plant alone . . .

Granted there are important differences between the SST and the fast breeder reactor, but there are enough similarities for reasonable concern over how well we are going to be able to support many kinds of scientific programs even though they hold out compelling promises of future benefits. It is not able that the single most damaging blow against the SST was its possible environmental impact. That, of course, is precisely where power opponents are concentrating their attacks today . . .

A 15-YEAR-OLD LOOKS TO THE FUTURE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following essay by a 15-year-old boy from North Attleboro, Mass.:

WHAT IS CHRISTIANITY'S GREATEST CHALLENGE TODAY?

(By Craig E. Heelen)

I think there are many challenges for Christianity today but I think the most important challenge is to prepare for a better world today and tomorrow. By this I mean we should all work together to have a more peaceful advanced safe place to live, in the world for our children and grandchildren. How would we achieve this? One way to accomplish a better world for tomorrow is a drive for world peace. Each day thousands of children are born into a world of war—war in Vietnam, on the college campus, in countries which are being wrecked by revolution.

Another thing that would have to be eliminated for a better tomorrow is poverty. The United States, China, India, and all the other countries have want and destitution. In America poverty are sharecroppers in Alabama, Indiana, and Florida. Sharecroppers so poor a family of eleven live in a one-room shack, people so poor they only earn about \$30.00 a week, people so poor they do not eat properly or have a shirt on their backs. Poverty in India where the average family has nine members. Poverty in China where the population is so great, three out of every five people on this planet live there. These hordes of people are forced to live in tightly confined areas which are dirty and an invitation to many diseases. An enormous amount of food is needed which is never available to all. There is also a great need for medicine. Only the wealthy people can afford medicine while the poor must wait; yes, these are just a few forms of poverty. If we want a better world for our children poverty will have to be conquered.

War and poverty are only a couple of things that must be wiped away. Another is crime, by crime I mean things such as rape, murder, robbery, etc. It would be one thing for my children to be born into a world of peace and prosperity, but it would be another thing for my children unable to walk the streets safely. Everywhere we look there is crime, murder charges have increased greatly within the last decade so has rape and drugs. Drugs are a major problem now, many people have died from them. More and more kids are being hooked each day, just because they think they need grass, airplane glue, barbiturates, and amphetamines to survive, it is a medical fact that with the help of medicine and some therapy a person can overcome his hunger for certain narcotics

over a period of time punishment for drug selling has been made prohibitive. In the state of New York they are considering giving rewards for information leading to dope peddlers. Our government is trying very hard to wipe out drug use. I sincerely hope if I have children someday that they are not born into a world of opium smokers and glue sniffers.

Don't get me wrong and think that I don't believe that people are really trying to solve the problems of crime, war, and poverty. It is just that we just don't seem to be getting anywhere. It is hard to believe that some people do not worry about the world's problems, when you hear them say "why should I worry I'll be dead soon let the next generation worry about it." But this is true obviously these people won't admit they mean this when they are asked. I interviewed some fifteen people and I asked them how they felt about certain problems that have been discussed previously in this report. Some answered seriously and other laughed (obviously they don't think much).

I think the best answer came from a very elderly lady who lives down the street from me. "What do I think we can do to solve the problems of the world?" "I think we should work individually to help people out a little more, by showing a little more love in this world." That answer sounds pretty popular, but I think that lady means and does what she says, my curiosity won out, and I asked about this person. I was informed that on certain school days she goes to a nearby nursing home and does up some hairdo's for no payment involved. If you asked me I think this individual does her share of giving herself to others by showing a little love for others, she is making this world a little better place to live in. So far I have mentioned war, poverty, and crime. There is one other factor I would like to mention about making this place we live in better, and this is the ever growing problems of over population. Statistics tell us that if you grouped every person that ever lived or is living at the present time, into groups of five that four out of five are living this very minute within a forty year span, the population in the United States has increased from thirty three million to nearly three hundred million.

It is estimated that by the year 2000 there will be about 850 million people in the United States. People think there is no place left to go but they are wrong. Scientists say by the year 2000 there will be at least a dozen cities under the ocean. This is good but where do we go after the oceans are completely full some say the North and South Poles then underground then in mile high apartment buildings. After this then where—the moon? Mars? Possibly even different inhabitable star systems. Of course these are only theories, an alarming fact is the increased number of teen age girls who are having babies. The abortion laws aren't doing much either. This world is really beautiful, of late it is getting uglier and uglier each day. I would like to see the future generation born into a beautiful world full of fields, mountains, and fresh air, not polluted. A world free of crime, war, poverty and overpopulation. A world filled with people doing good for others in this life, yes. That is what I truly want for this generation. How about you?

WHO SHOULD BE INVESTIGATED

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BERGLAND. Mr. Speaker, the American people are becoming more and

more concerned over how its public servants exercise their obligations and fulfill their responsibilities. The following editorial from the Fergus Falls, Minn., Journal illustrates the concern many of us share on the methods by which the Congress conducts its investigations. I insert the following:

[From the Fergus Falls, Minn., Journal, Apr. 24, 1971]

"SELLING OF THE PENTAGON"

The Columbia Broadcasting System created a furor with a documentary called "The Selling of the Pentagon." The controversial program was shown twice on the network and caused raised eyebrows by relating some of the tactics alleged to be used by the Pentagon to "sell" itself and its projects to the public.

Some congressmen have been incensed to think the program has shown the Pentagon in a bad light. A subcommittee of the House Commerce Committee, chaired by Rep. Harley Staggers, D-W. Va., is investigating the program. Rep. Staggers said at a hearing earlier this week that his panel was concerned with protecting the public from "deliberate staging and distortion of purportedly bona fide news."

His subcommittee has subpoenaed film, recordings, outtakes (unused film), transcripts, identification of individuals in the film and other material used in the production of the film. In other words, everything that did not appear when it was broadcast on television. So far CBS has not complied, and the network has made reference to "fundamental constitutional issues as to whether journalistic news judgments can be subjected to legislative surveillance."

Constitutional prerogatives notwithstanding, we can't understand this congressional investigation. If there is reason to believe "The Selling of the Pentagon" was misleading, then why don't the congressmen go directly to the Pentagon and ferret out the real story for themselves. They have their own investigators and federal law-makers surely have as much right as a television network to the records of a government department.

Then if the program content turned out to be substantially true and correct, the committee could berate the Pentagon. On the other hand, if it caught CBS with its facts down, it could give the network a black eye by publicly pointing out the inaccuracies.

WHITE HOUSE CONFERENCE ON YOUTH ENDORSES END TO DRAFT, CREATION OF ALL-VOLUNTEER FORCE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, last week I had the privilege of attending the White House Conference on Youth as a delegate to the Task Force on the Draft and National Service. For our task force, the conference provided 5 days of meaningful dialog between a diverse group of young people and leaders of the Defense Department, Selective Service, and the Armed Forces.

Although there were disagreements on matters of timing, there was unanimous agreement on the need to end the draft, enhance the attractiveness of military life, and create a program of voluntary civilian service.

I believe that the conference's recommendations on draft reform, competitive military pay, and improvements in service life are very responsible, and can form the basis for meaningful legislative action. I particularly hope the other body will find this report useful in their consideration of the selective service law.

I commend this item to your attention:

DRAFT AND THE ALL-VOLUNTEER FORCE

The Task Force on the Draft, National Service, and Alternatives has endorsed an end to the draft and the establishment of an all-volunteer Armed Force. In arriving at our conclusions, we examined in detail the need for an adequate national defense, the inequities of conscription, and the feasibility and social desirability of an all-volunteer force and recommended policies needed to improve the Armed Services to achieve such a force. The Advisory Task Force report prepared by eight youth and four adult members analyzed these issues and served as the basis for our deliberations. In the course of our discussions at Estes Park, we have accepted most of these recommendations, revised others, and introduced some additional proposals. In this report, we present the recommendations of the full task force.

The draft has alienated many youth against their country, and many others against their peers who were able to avoid service; it has caused many young Americans to adopt life styles different from those which they would otherwise have chosen; and it has had untold effects on the many who have unwillingly served two years in the military. This is not to suggest that there are not many who truly volunteer or willingly serve when called, nor that many draftees do not benefit from their military service. However, the human cost that the draft has levied can never be measured. The irony of the draft is that such forced servitude, such compulsion, is unnecessary. For these reasons, the full task force unanimously supports our first and most important recommendation:

Recommendation I

We endorse the concept of an all-volunteer Armed Force. Some have expressed fears that an all-volunteer force would be socially undesirable, an army of the poor and the black, a professional army of mercenaries, a threat to domestic and international stability. Behind these questions of potential dangers is the tacit assumption that an all-volunteer force would be substantially different from a mixed force of draftees and volunteers both in its composition and in the way that it would be used. The Task Force found no evidence to support these alleged dangers and rejects them; we found instead that the socially desirable aspects of the all-volunteer force far outweigh the alleged dangers.

All of us believe that the draft must be ended, but when? Some members of our Task Force felt that in order to best insure the national security, the draft must be extended during a transition period. Such a transition period would allow sufficient time to implement the manpower policies needed to attract enough true volunteers to maintain necessary force levels. Without such an extension, manpower deficits might arise that would result in a re-introduction of the draft. The Department of Defense has, indeed, recommended a two-year extension and within this period they are confident that they can achieve the goal of an all-volunteer force.

The Advisory Task Force report argued for a one-year extension of the draft to put the necessary pressure on Congress, the Department of Defense, and the public to expedite the policies needed to end the draft. The one-year extension would further serve to demonstrate the nation's sincerity in its efforts to end the draft at the earliest possible date with no threat to our defense

capability since Congress would still retain the authority to extend the law if such action became necessary.

Other Task Force members argued that the draft is a form of involuntary servitude, and such an abrogation of fundamental liberties can be justified only in time of grave national emergency. No such emergency now exists. Young people alone are directly affected by the draft, and if we do not speak out for our rights and liberties now, no one else will. We, therefore, favor an immediate repeal of the draft.

Although we endorse repeal of the draft, we cannot be sure that Congress will adopt our recommendation. Because the draft has such a profound impact on the lives of young Americans, we feel that it is imperative for us to propose recommendations that would minimize the inequities in who serves when not all serve. In recent years, the Selective Service System has been improved but it still discriminates against some racial minorities and favors the more educated who can find loopholes in the law. To achieve greater equity in our present lottery draft, the full Task Force strongly endorsed the following recommendation to improve the operations of the System:

Recommendation III

The existing practices of the Selective Service System must be changed as follows:

a. We endorse the President's intention to phase out the II-S student deferment, but feel that it is unfair to make it retroactive by taking away any II-S deferments that have been or might be granted before any new draft law becomes effective. We also support the President's effort to phase out the IV-D exemption for divinity students and urge that the IV-B exemption for certain elected officials also be phased out.

b. In order to achieve equal treatment in the granting of medical deferments, we recommend that physical examinations of black registrants must include a blood test for Sickle-cell anemia, a disease peculiar to blacks, and that the presence of the Sickle-cell anemia trait be accepted as the basis for a IV-F medical exemption. It should be noted that the Sickle-cell disease has already been accepted as the basis for medical exemption.

c. We recommend that the requirements for membership on local draft boards be modified as follows: First, local board members should live in the area over which they have jurisdiction. Second, local board membership should reflect the ethnic and economic composition of its constituency. Third, the age requirements for local board membership should be not less than 18 years of age and not more than 55 years of age with terms of service limited to a maximum of five years.

d. We recommend that the present appeal procedure be altered to give every registrant the right to have witnesses and legal counsel present during personal appearances. Moreover, we urge that every registrant have the right to a Presidential appeal in the event that his appeal is rejected by a state appeals board.

e. In order to correct the present practice on appeal for re-examination for medical fitness wherein the registrant is re-examined by the same doctors, we recommend that any registrant making such an appeal be allowed to be re-examined at a Veterans Administration hospital or at a different Armed Forces Entrance Examining Station.

All of these changes will require Congressional legislation in any new draft law, and we urge their adoption.

A continuing problem that has plagued the Selective Service System is that of determining who is a conscientious objector. Conscience is by its very nature, private, and no one can see inside the mind and heart of another. In order to mitigate the problems surrounding the granting of C.O. deferments,

we recommend that the following provisions be adopted in any new draft law:

Recommendation IV

We recommend that the Selective Service System adopt the following practices with respect to conscientious objectors:

a. Recognizing the private nature of conscientious beliefs and the difficulties faced by Selective Service in determining the sincerity of a man claiming to be a conscientious objector, we recommend that any man claiming to be a conscientious objector be granted such status subject to his willingness to perform, if called, two years of civilian work in the maintenance of the community or national health, safety, or interest.

b. We believe that sincere selective objection as such be recognized along with objection to war in any form. We urge that local draft boards be informed immediately that the Supreme Court has recognized one form of selective objection, namely that young men who object now, but who do not know what they would do in a future hypothetical circumstance, can still qualify for C.O. status.

c. We strongly urge that opportunities for civilian alternative service should be expanded to better utilize the skills of C.O.'s. In addition, a C.O. should be allowed to perform his service in his own community instead of the present system requiring him to find work outside of his community. Further, we reject the punitive provision in the present House draft legislation (HR 6531) wherein a C.O. who fails to perform satisfactorily in his alternative job is inducted into the Armed Services.

One of the more emotional issues facing our Task Force was, "What should we do about those Americans who have knowingly violated the draft law, or who are now in exile to avoid conscription?" Some believe that those who knowingly violated the draft law, thereby transferring the burden of service to others, deserve to be punished. Because of their strong beliefs that the draft is immoral, others favored the following recommendation that was adopted by a vote of 51 to 35:

Recommendation V

As an act of compassion, we call upon the President, when the draft ends, to exercise his power to grant amnesty to all draft violators and exiles.

An important concern expressed by many in our Task Force was that when the draft authority is terminated, what machinery should be retained to provide for a flexible response to any contingency requiring force levels that cannot be met by the all-volunteer active and reserve forces? Some argued that no machinery should be kept because it would still entail compulsion and would make it easier to return to conscription. By a close vote of 46 to 42, the Task Force endorsed the following recommendation:

Recommendation VI

We recommend that when the draft is ended, standby registration authority should be established that (a) entails no physical examinations or classification of registrants; (b) requires only a simplified form calling for a minimum of personal information; and (c) can be accomplished at a post office or other local agency. Under this standby registration, the power to induct registrants can only be reinstated by a joint resolution of Congress upon the recommendation of the President. We further recommend that this standby registration authority be instituted for a period of four years with a Congressional review to come at the end of the third year.

In his memorandum of August 21, 1970, Secretary of Defense Melvin Laird announced a new Department of Defense policy that the Reserves and Guards will provide the trained manpower in the event of any future emergency requiring the augmentation and

expansion of the active duty forces. We concur with this policy, but in order to assure compliance, we support the following amendment:

Recommendation VII

When the draft is ended, Congress enact legislation to insure that no person be drafted until all Reserve and National Guard forces have first been activated.

Draft reforms and the establishment of standby draft registration are important parts of a well-designed plan in the transition to an all-volunteer force. The movement towards an all-volunteer force has progressed rapidly in the last two years. Many provisions in the recent House draft legislation (H.R. 6531) go a long way toward this goal. We would like to see these provisions included in the final military service law, and we therefore support the following recommendation:

Recommendation VIII

Whereas President Nixon has played an important leadership role in promoting the concept of an all-volunteer armed force; and whereas the President appointed a distinguished Commission of prominent Americans who recommended that the draft could be ended by improving the conditions of military life; and whereas military pay is currently so low as to force thousands of servicemen to depend on food stamps and public welfare for survival; and whereas the House of Representatives has overwhelmingly passed legislation which substantially implements the pay proposals of the Gates Commission; and whereas the President has asked this Conference to report to him on the draft and the volunteer force; Resolved: We, the Task Force on the Draft, National Service and Alternatives, of the White House Conference on Youth, urge the President to support openly the pay provisions of the House Bill (H.R. 6531) which is consistent with our recommendations.

Although many men are drafted, a majority of our men in uniform are volunteers who freely chose to enter and remain in the Armed Services in preference to alternative civilian jobs. Our studies have shown that the numbers of these volunteers are diminished by extremely low rates of military pay (especially for the first-term enlisted man), poor housing, and often irrelevant work. If we are to end the draft and establish a viable all-volunteer force fully capable of providing for the nation's defense, we must make some major policy changes. Towards this end, our Task Force endorsed by a unanimous vote that the provisions of the following recommendation be adopted:

Recommendation IX

To implement the concept of an all-volunteer force, we recommend that certain steps be taken:

a. **Military pay levels:** Funds should be appropriated to raise the military pay of first-term enlisted men and officers to levels that are competitive with civilian wages. The regular pay of a recruit (including the value of room and board) should be raised to at least \$444 a month.

b. **Military pay structure:** The structure of military pay should be revised to establish pay differentials for first-term enlisted men who bring civilian skills to the military service, who volunteer for occupational specialties suffering manpower shortages, or who commit themselves to longer terms of service. Moreover, once an individual qualifies for a specialty pay, because he has a particular skill, he will continue to receive that pay as long as he possesses the qualifications and remains in the skill.

c. **Recruiting:** The recruiting organization should be modernized; authorized recruiter strengths should be expanded to produce the required number of volunteers; recruiters should be provided with petty cash funds and made eligible for higher

rates of proficiency pay; and recruitment and advertising budgets should be increased. We further urge that precautions must be taken to insure that the Armed Forces adhere to strict standards of truth in advertising and recruiting, and that Armed Forces advertising budgets should never assume such proportions that the Defense Department could significantly influence the media in their news reporting or programming. Finally, we strongly recommend that military recruiting operations be regularly monitored in order to prohibit the use of unfair or unethical practices to enlist the uninformed, the disadvantaged, or those who are coerced to accept military service in lieu of prosecution.

d. **Officer acquisition:** ROTC scholarships should be increased to an annual rate equal to 10 per cent of the authorized non-medical officer strength with increases beginning on September 1, 1971. We further urge that in the awarding of these scholarships, particular emphasis be placed on providing opportunities for officer training to members of ethnic minorities that are now under-represented in our active and reserve forces. The stipends paid to ROTC students should be increased to \$100 per month.

e. **Medical manpower:** The comprehensive medical scholarship program recommended by the Administration should be adopted. Under this program, the Department of Defense would award 2,000 medical scholarships with annual stipends of about \$10,000 for an obligation of one year of military service for each year of scholarship support. We also endorse the Gates Commission recommendations that (a) salaries of military physicians should be raised to a level comparable with those of non-military physicians in group practice, and (b) that the military should study the possibility of negotiating contracts with groups of non-military physicians to care for military patients. Adoptions of these provisions would operate to reduce the need for the doctor draft.

f. We urge that Reserve and National Guard units should make every attempt to reflect the racial and ethnic composition of the communities from which they are drawn. These steps would reduce the likelihood of a situation where an all-white Guard unit is called in to quell a civil disturbance in a predominantly black community.

g. **Reserve and Guard Forces:** Additional funds should be appropriated to procure modern weapons and equipment for the Reserve and Guard forces.

h. **Reserve Training:** Summer training exercises of reserve units should be conducted jointly with units of the active duty forces stationed at overseas bases. The adoption of these recommendations would eliminate the financial penalties that now discourage many individuals who might otherwise have considered a military service career, thereby expanding the flow of qualified volunteers for our Armed Forces.

The draft has encouraged the wasteful use of our nation's scarce manpower resources and discouraged the development of personnel practices that would make service life more attractive. Assistant Secretary of Defense Roger T. Kelley summarized the problem when he stated:

"The ability to reach into the draft well and pick out whatever numbers you need can cover a lot of sins, of under-utilization of manpower, of misuse of manpower, of poor management."

We applaud the efforts that the Department of Defense has made in the past two years to eliminate irrelevant make-work assignments, to provide better housing and to treat their men and women with respect. These steps that improve the image of our Armed Services and that raise the morale of our uniformed personnel are, in our opinion, essential for a truly viable all-volunteer force. We accordingly urge that the following recommendations be adopted:

Recommendation X

To effect a viable all-volunteer force, we recommend that at least the following steps be taken to improve the quality of military life:

a. **The military social environment:** We propose that a broad review be undertaken of the military rank and class structure, in particular, the enlisted-officer relationship; military regulations, especially the Uniform Code of Military Justice; traditional customs and courtesies; and all of those factors that contribute to the military social environment be undertaken, bearing in mind the dignity and the need for respect of each individual in the Armed Forces. Those elements of military life which do not contribute to the overall success of the mission of the Armed Forces should be eliminated or changed as appropriate.

b. **Civil Rights:** We recommend that a civil rights provision should be included in the Uniform Code of Military Justice to insure that anyone who believes that he has been discriminated against for reasons of race, color, or creed, would have a normal channel for appeal.

c. **Equal Opportunities:** Comprehensive manpower development and training programs should be enlarged and maintained to assist members of disadvantaged groups to obtain, within the Armed Forces, the skills and knowledge required to compete effectively for those assignments and opportunities for which their interests and aptitudes could reasonably be expected to qualify them. Among the objectives of this resolution is to minimize the likelihood of the burden of combat duty falling disproportionately on members of disadvantaged groups.

d. **Women in the Service:** Ceilings set on representation of women in the services now Congressionally imposed should be lifted, and all phases of military life should be equally accessible to members of both sexes.

We believe that our plan for an all-volunteer force offers a program that we regard as the only equitable solution to the problems of the draft. It specifies a target date, June 30, 1971, for ending the draft and identifies those policies that must be adopted to attract men to our Armed Forces on a truly voluntary basis. Moreover, it contains safeguards, in the form of the standby draft registration authority and a truly Ready Reserve, to insure that our national security will be protected in the event of any contingency.

Over twelve million young Americans have just received the franchise to vote and to actively participate in the legislative process of our Government. In his address before the University of Nebraska student body, President Nixon stated, "You have now the opportunity and the obligation to mold the world you live in. You cannot escape this obligation."

The draft has been in existence for all of our lives, and it is an institution that vitally affects us. The Task Force on the Draft, National Service and Alternatives believes that it is in the national interest to end the draft, and to move to an all-volunteer Armed Force.

NATIONAL SERVICE AND SERVICE-LEARNING

America's youth wish to serve their society. Every poll testifies to their desire. But our Task Force opposes a compulsory program of national service and opposes as well the creation of a large centrally-directed Federal program of voluntary national service. Instead, we recommend that under the auspices of the Action Corps, support be provided for volunteer service projects which are locally conceived and directed, projects which take their direction from people who serve in them and from the people in the communities who are served. We particularly recommend programs of service-learning which are designed not only to meet pressing

local needs but which also promote the educational growth of those who serve.

We oppose a compulsory program for the reasons cited by the Scranton Commission on Campus Unrest:

"Whether in the form of pilot projects or a full-scale program, national service should be voluntary, and not, as some have proposed before this Commission and elsewhere, compulsory. In addition to its enormous cost, a compulsory national service program would be an unwarranted infringement on individual freedom of choice. Nor should national service be considered as a method for reforming or replacing the draft. Proposals to make civilian service available as an alternative to the draft fail to resolve compelling problems of equity that plague any attempt to compare civilian programs with military service."

Further, it would be hard to find proper work for unwilling civilian conscripts. And the devices whereby the affluent and well advised now find ways to escape the draft would be used as well to avoid compulsory civilian service.

Service, then, should be voluntary. It must stand on its own merits, attracting volunteers who seek the satisfactions of doing a needed job, of learning in the process and, hopefully, of helping accelerate some needed social changes.

Service-learning is a relatively new idea. It links school and community. It is like the work-study or cooperative education programs in which students work part-time, or leave school for periods of work, then return for more study. But the number of part-time paid jobs is limited, whereas there are almost unlimited service jobs, as tutors, aides in health centers, mental institutions, day care centers, drug abuse and environmental programs, as parole officer assistants and as interns in government agencies. But whether the program is paid work-study or unpaid service-learning, the objectives and the processes are much the same. Work or service is considered as much a part of education as studies in school or college. Academic credit is given for what a person learns. Students, teachers, and job supervisors agree on what is to be learned by the work or service and by what criteria success will be measured. For example, work in drug programs may include precise learning objectives in chemistry, sociology or the law.

Projects like these are well under-way in Urban Corps and College Volunteer programs. But, if they are to be expanded to other areas, money is needed for program development and for the training of project supervisors, who themselves may be volunteers who serve at subsistence pay for a year or two. Once under way, most of the costs of these programs can be borne by local schools and colleges, for service-learning would be a regular part of education which is designed to give meaning to formal studies, education which exposes the volunteer to future career opportunities, and education which breaks down the separation of school from community. The uses of society are learned by serving it. Academic credit at all times, from elementary school through college, is awarded in recognition of learning which takes place during service and in preparation for it.

Federal support can help launch these programs. But they can then be carried on by local schools and communities. The Task Force on Draft, National Service and Alternatives therefore believes strongly that national service should be voluntary and supports the following recommendations:

Recommendation I

We reject compulsory national service. We also reject those national service proposals which would utilize service as an alternative to the draft.

We believe that all young people who want to serve their fellow men have an opportu-

nity to do so. We believe that programs of service have much to offer both to those who are served and to those who serve. Accordingly, we recommend the following:

Recommendation II

This task force endorses the creation of Action Corps to bring together volunteer service agencies (Peace Corps, VISTA, Teacher Corps, and other volunteer offices) to (a) expand opportunities available for full-time service and (b) to serve as an agency designed to further utilize part-time, non-paid volunteers.

Recommendation III

We further endorse an expansion of service-learning and work study opportunities in high schools and colleges. Specifically, we call for programs of part-time or temporary service which have precise learning objectives and for which appropriate academic credit can be given.

After considerable debate about the need for an additional administrative body, and by a narrow margin, the task force adopted the following resolution:

Recommendation IV

We believe that service activities should be directed and financed at the local level to the extent permitted by available resources, and should include projects organized and directed by young people. Service activities should be underwritten by a public foundation at the national level. This public foundation should be able to receive public and private funds and be governed by a board of directors with a majority of private citizens, including representatives from those who serve and from local communities, and be ultimately responsible to Congress.

In order to provide support for the initial start up of local projects of service-learning and in order to assess the effectiveness of service-learning as a means of education which might in time offer opportunities for service to almost half of all Americans from the upper elementary years through and beyond college age, we supported the following:

Recommendation V

That the President call for appropriations under existing Action Corps legislation sufficient to provide training for approximately 200,000 part-time volunteers and volunteer supervisors in order to test, over a two-year period, the feasibility of greater Federal assistance to locally designed and administered programs of work-study and service-learning. There should be several projects during this period with sufficient concentration of volunteers to test the ability of the projects to provide solutions to local problems such as delinquency, health services training and delivery, early childhood education, or comparable needs. Further, we recommend that the Director of the Action Corps undertake a program of research and evaluation to begin at the start of the above mentioned two-year trial program on June 30, 1971, and submit his recommendations regarding the feasibility of expanded Federal support for work-study and service-learning programs by June 30, 1973.

We are concerned that programs supported by the Action Corps be responsive to local needs and desires and we therefore advocated that the people who participate in projects and representatives from local communities served by Action Corps, share in establishing the policies and procedures of the Action Corps and in the development, administration and evaluation of local projects.

And we advocated that service-learning projects, including those for which Federal support is already available, such as the College Work Study and the Neighborhood Youth Corps programs, should serve the needs of local communities, particularly those in low-income areas.

TASK FORCE ON THE DRAFT, NATIONAL SERVICE, AND ALTERNATIVES—THE 1971 WHITE HOUSE CONFERENCE ON YOUTH

I. INTRODUCTION

The draft has affected your life and the lives of all Americans. It has disrupted the plans of many young men to attend college, to learn a trade, or to marry and start a family. Some who have been drafted have benefited from the training and other opportunities provided by the military; others have not. Many young men have spent much time and money to avoid or find an alternative to military service, while some who served returned with honor—or never came back.

We, the youth and adult members of this Task Force, were asked to think about these and other issues concerning our national security, to study them, and to prepare an advisory report on our findings and recommendations.

National security

The first critical consideration in our work was whether a defense establishment was needed at all. A minority of our group argued that unilateral disarmament by the United States, including a dismantling of our military forces, was the only path to lasting world peace. This, of course, would end the need for the draft. However, no matter how much we would wish it possible—and we deeply wish it were—our group reluctantly concluded that such unilateral disarmament would be unrealistic in our current world situation. The need for an adequate military force, therefore, was accepted as the fundamental basis for our deliberations.

Since 1940, this need has been filled in part by the draft—and by the threat of the draft. Although the draft may be necessary in time of grave emergency or national peril, we find it to be a form of compulsion that is oppressive to youth. While some accept it as a fact of life and willingly serve when called, the draft is resented by many, detested by others, and drives some to defiance and flight.

The draft is not only oppressive; we also know that it is unfair. In an attempt to correct the more obvious inequities, the Government, in 1969, established a lottery draft of 19-year-olds. In addition, the President has recommended that occupational, paternity, and undergraduate student deferments be eliminated. A lottery draft, even one that incorporated all of the proposed reforms, would still involve compulsion and be unfair. Under any system of selective service, including a lottery, the burden of the draft cannot be equally shared. The less-educated and the poor will often be forced to serve, while the sons of the affluent will more easily be able to avoid service by exploiting legal and medical loopholes.

Others seeking to reform the draft have proposed national service as an alternative. Under this scheme, a young man would be forced to choose between a military service liability and involuntary service at a government-approved civilian job. We find that this proposal would not in any measure solve existing problems. In fact, it would only serve to intensify the compulsive and unfair aspects of the system. The same number of men would still be compelled to join military service, while many others would be forced to take alternative national service jobs. This is clearly an additional form of involuntary servitude. Moreover, this scheme might be harmful to socially useful programs; these projects demand dedicated and knowledgeable workers, not those who serve only to avoid the draft.

We, therefore, reject national service as a way to reform the draft. However, we recognize that many young men and women want an opportunity to serve and learn. A real need exists for a voluntary program of work-study and service-learning that offers these

opportunities to youth. We are persuaded that the ideas of work-study and service-learning, as discussed in Chapter V of this report, offer sufficient promise to warrant the appropriation of funds for a major test program as part of the President's proposal for a Volunteer Service Corps.

Our proposal

A Volunteer Service Corps, however, obviously does not solve the problem of the draft. The only real alternative to selective service, we find, is to end the draft altogether and establish an all-volunteer armed force. This we strongly urge. We can end the draft, consistent with our national security requirements. The budgetary expenditures for this program would be small when compared to the real human costs, the disruptions, and the inequities of the draft. We can make military service attractive to youth by paying a fair wage, by providing decent housing, by offering challenging jobs, by eliminating the "Mickey Mouse," and by according military personnel and the uniform they wear the respect they deserve. It is no wonder that the Armed Forces are unable to get enough volunteers today when they are offering a starting pay of only \$259 a month. (Despite the low starting pay, some 250,000 true volunteers enlist annually. Only an additional 75,000 would have to volunteer to maintain the Armed Forces at the 2.5 million-man level.)

Regardless of whether we retain the draft or not, we recommend that military pay be raised to a level that is competitive with the civilian economy; we think it ironic that military service should impose a financial penalty on our men in uniform. Other recommendations to achieve an all-volunteer force are contained in the following chapters.

Some opponents of the all-volunteer force allege that it will be an Army of the poor and the black. There is no evidence to support these claims. Currently, blacks form 12.5 per cent of the population, but only 9.5 per cent of the armed forces (because of the higher disqualification rate for blacks compared to whites). Even if the disqualification rate of blacks were to drop to 50 per cent, and even if every qualified black were to enlist, these 125,000 men would comprise only about one third of the entry requirements of an all-volunteer force—and, of course, not all qualified blacks would volunteer.

The President's Commission on an All-Volunteer Armed Force (Gates Commission) projected that in the post-Vietnam era, a maximum 14 per cent of the enlisted force would be black if the draft were continued and a maximum 15 per cent in a volunteer force. The Commission also noted that those with poor alternatives in the civilian economy have already responded to military service opportunities. As compensation and benefits improve, military service will become relatively more attractive to others (more whites than blacks) who are presently discouraged by the low rates of entry pay.

We are exceedingly sensitive to the concern that no group be compelled to bear a disproportionate share of the defense burden. We are convinced, however, that the draft is less desirable in this regard than an all-volunteer force.

The brunt of conscription falls on the less educated Chicanos, blacks, and whites, who have carried a heavy burden of combat as reflected in high casualty rates. This unconscionable burden must be removed by providing the disadvantaged with better educational opportunities.

It should be remembered that in an all-volunteer force, men are simply paid an equitable wage—no one is compelled to join.

Opposition to ending the draft seems to stem from a rather paternalistic belief that the poor and the black are not competent to decide whether they would rather volunteer, be drafted, or not enlist at all. As Congress-

man John Conyers, a leading black spokesman from Detroit, told a critic of the volunteer force:

"It was a great step forward for civilization when the power of plantation masters and heads of state to exact involuntary servitude was eliminated. What was once so abhorrent has now become to many an accepted feature of our society . . . the basic tenets of our Constitution are called into question if this country continues to require military servitude when there is no clear and present threat to our national security, and when there are other methods of raising an army more consistent with the ideals of a supposedly free society."

The draft extension

Nearly everyone in the current draft debate agrees that in the long-run, an all-volunteer system is the only fair and equitable way of raising our armed forces. The Defense Department, through Project Volunteer, has initiated a significant number of policies designed to place a greater reliance on volunteers. In his message of January 28, 1971, the President endorsed the goal of "zero draft calls" by June 30, 1973. We support the steps he is taking toward this goal. But he also recommended that the draft authority be extended for two years. We oppose this provision. We believe that a one-year extension provides sufficient time to achieve an all-volunteer force. We believe that the extension must be limited to one year to put the necessary pressure on Congress, the public, and the Department of Defense to expedite the policies needed to end the draft. It will also more clearly demonstrate the Nation's sincerity in its efforts to end the draft at the earliest possible date. The youth of this Nation have too often seen government promises go unfulfilled.

The one-year extension is consistent with our national security requirements, because Congress will still retain the authority to reestablish the draft if needed to sustain our defense capability.

The standby registration authority

We should not only stop drafting people, but we should also insist that the power of conscription be returned to the Congress. There has been no clear policy's statement from the Administration on whether their plan for an all-volunteer force forgoes this power continuing to rest within the Executive. We oppose Executive control of the induction authority, as this would distort the constitutional prerogative of the Congress to raise and support armies. We have accordingly recommended that when the one-year extension of the present draft authority expires, a standby draft registration authority be established which will lack the power to conscript except through a joint resolution of Congress upon the recommendation of the President. It will, however, retain the Selective Service machinery of registration and preliminary classification so that in the event of a clear danger to our national security necessitating the reintroduction of conscription, the Selective Service machinery will be available to expedite a smooth manpower mobilization.

We believe that our plan for an all-volunteer force offers a program that we regard as the only equitable solution to the problems of the draft. It specifies a target date June 30, 1972, for ending the draft and identifies those policies that must be adopted to attract men to our Armed Forces on a truly voluntary basis. Moreover, it contains the necessary safeguards, in the form of the standby draft registration authority and a truly Ready Reserve, to insure that our national security will be protected in the event of any contingency.

Over twelve million young Americans have just received the franchise to vote and to actively participate in the legislative process of our Government. In his address before

the University of Nebraska student body, President Nixon stated, "You have now the opportunity and the obligation to mold the world you live in. You cannot escape this obligation".

The draft has been in existence for all of our lives, and it is an institution that vitally affects us. You must decide whether it is in the national interest to continue that institution or to replace it with another.

II. NATIONAL DEFENSE, THE DRAFT, AND THE RESPONSIBILITIES OF CITIZENSHIP

The defense of our Nation is the Government's first responsibility. The power to raise armies to provide for that defense is granted to Congress by the Constitution. At times, Congress has interpreted this provision to imply the power to conscript men into the Armed Forces. It did so, for example, in 1863 during the Civil War, in 1917 for World War I, and in 1940 for World War II. In these cases, Congress perceived a clear and present danger to the country and a consequent need for expanding the military through the draft.

Public reaction to the draft laws has varied widely. The public reacted violently, for example, to the Civil War draft, with bloody draft riots breaking out in New York City. The World War I draft also was beset by outright opposition and evasion, which led to several test cases before the Supreme Court and a 1918 High Court ruling that Congress' draft authority was constitutional in time of grave emergency or national peril. The World War II draft, however, was broadly supported, with instances of opposition and evasion relatively rare.

In 1948, during the "cold war" era, Congress again extended the draft, as it did in 1952 during the Korean conflict and on subsequent occasions, so that conscription is still with us today. The Supreme Court has never explicitly ruled on the constitutionality of this peacetime draft, which has prevailed for 25 years, and, until the mid-1960's, there was no significant opposition from the public.

This certainly is not to suggest that all those affected during these years welcomed the draft. Many harbored feelings of resentment described by Dr. Eli Ginsberg, the noted sociologist, in 1962:

"Young Americans, if and when they are called to duty, view it as an imposition, an annoyance, or a stroke of bad luck that they were caught while so many others escaped."

But by then the vast majority of Americans had come to accept the draft as a normal part of life; most had never known a time when there was no draft. Those young men who did object usually did so quietly, seeking deferments, medical disqualifications, conscientious objector status, or other legal means to avoid forced military service.

All this changed, however, with the escalation of the Vietnam war in the mid-1960's. While the majority of those called did serve, outright opposition by an active minority rose dramatically. Various Selective Service Boards were attacked and draft registration files destroyed. Some youth burned draft cards in opposition to the draft and to what they regarded as an immoral war. Others fled to Canada and Europe; it is generally believed that about 60,000 young Americans are now living in Canada to avoid the draft. Still others elected to be imprisoned for failure to comply with draft laws.

One form of draft opposition which has increased markedly in the past year or two is the simple refusal to honor induction notices. In Northern California, for example, more than 39 per cent of the 18,027 men who received notices between October 1969 and May 1970 failed to appear for induction into the Army. This was up from 24 per cent "no shows" a year and a half earlier. In both periods, a majority of the "no shows" had legitimate excuses, including hospitalization or being out of town, and appeared later

for induction or had already enlisted in the Armed Forces. But there can be no doubt of an increase in those refusing to appear.

"If you want 1,000 men from California, you have to issue induction notices to 2,250," the California State Director of Selective Service remarked in a recent interview.

This trend is not limited to California; the press has reported similar "no show" increases in other parts of the country. Spokesmen from some draft resistance groups even claim that they will destroy the Selective Service System by getting a majority of draft registrants to ignore induction notices; in their view, the extension of the draft is an irrelevant question because they intend to "destroy the system." Almost all members of this task force disagree with this view; we feel that our system of military manpower procurement is exceedingly relevant and that major reforms are needed in it.

Another measure of growing draft resistance is the number of complaints forwarded by the Selective Service System to the Justice Department to enforce compliance with the law. According to statistics compiled by the United States Attorney Judicial Districts, these complaints climbed from 19,774 in 1967 to 26,225 in 1970, a 32 per cent increase over three years.

It is impossible to determine just how much of this growing resistance is due to opposition to the draft itself and how much to opposition to the Vietnam war. Certainly both factors have played a large role, with the war focusing more widespread attention on the inequities of the draft. But it is important to note that, as illustrated in Figure 2.1, the public over the past three decades has become more and more disenchanted with the draft itself; those thinking it fair declined from 93 per cent in 1941 to 60 per cent in 1953 and to 44 per cent in 1966. On the other hand, in recent years support for an all-volunteer military has increased substantially, rising from only 12 per cent in 1968 to 32 per cent in 1969 and to 52 per cent in 1970.

There can be little doubt that there is substantial opposition to the draft because it is unjust, in and of itself. The more fundamental ground upon which we oppose the draft, however, is that it is an unnecessary form of compulsion. Conscription is an uncalled-for abridgement of personal freedom and is contrary to the spirit of individual liberty that is the cornerstone of our Government. It forces every American male, within five days of his eighteenth birthday, to surrender partial control over his life and career to the local draft board. It causes uncertainties and disruptions in plans for education, jobs, marriage, and starting families. It affects many who ultimately do not enter military service as well as those who are drafted or who join because of the threat of being drafted. Some expend much time and energy on medical and legal ruses to avoid service; sometime such evasion tactics result in criminal records that follow a man throughout his life. It prompts others to flee the country. All this is to say nothing of those draftees who are ordered into combat with all its perils, including the ultimate one, death.

We do not mean to suggest that there are not many who willingly volunteer for the military and serve honorably, or that many others would not have joined even if they had not been drafted or threatened with the draft. These "true volunteers" comprise some two million men in today's Armed Forces, and the Nation owes much to them. What we do oppose is the *compulsion* of the draft. What we object to is *involuntary servitude*, particularly since we consider it unnecessary.

If involuntary service is bad, it is simply unconscionable that we have allowed our Government to maintain the absurdly low rates of pay for the young men who defend the Nation. The gross inequity in the pay of enlisted men was highlighted in a 1970

speech by Assistant Secretary of Defense Roger T. Kelley:

"The total military compensation of a recruit [including room and board] comes to \$2,750. Now we use any comparison you wish—the \$1.60 per hour Federal minimum wage which annualizes at \$3,300, the annual pay of a Job Corps graduate of \$3,900, or the common beginners pay for unskilled blue-collar work of \$6,000—measured by any standard, military entry pay is much too low. So low, in fact that present pay levels keep people who would otherwise volunteer from enlisting in the Armed Forces."

A young blue collar worker who is drafted can thus expect to lose about \$3,000 a year.

How did the American public allow this situation to develop? A succinct answer is provided by Harvard Professor John K. Galbraith:

"The draft survives principally as a device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayer who benefits by lower taxes to the impecunious young draftee. Freedom of choice here, as elsewhere, is surely worth paying for."

The draftee thus is subjected to an ironic double jeopardy. He is first compelled to serve against his will, and then made to suffer a financial penalty that is equivalent to a hidden tax. A clear statement of the latter argument is also provided by Chicago Professor Milton Friedman:

"Conscription is a tax in kind. That is, forced labor imposed on the young men who are drafted or who volunteer because of the threat of a draft, one of the greatest advances in human freedom was the conversion of

taxes in kind to money taxes. A similar advance would be obtained now by repealing conscription and using voluntary enlistments to staff our Armed Forces."

Nor are low pay rates the only penalty incurred by those who serve the country. They also accept, among other things, inadequate housing, "Mickey Mouse" tasks, and to a larger extent today, disrespect for the uniform they wear.

A draft cannot be fair

By its nature, a draft cannot be equitable; some will serve while others will not. More than 35 per cent of all men fail to meet either the minimum mental or physical qualifications and are excused from their draft liability (see Figure 2.2). Those who are thus exempted are largely concentrated in the lowest socio-economic class. We cannot say, of course, that the draft thus favors those in the lowest socio-economic class; they would be unqualified under any system of military manpower procurement.

But the charge has been levied that, after allowing for normal disqualifications, the draft has discriminated against non-white minority group members. This finding is confirmed by other data presented in Figure 2.3 that shows the military service participation of men who had, for the most part, completed their period of draft liability. Of those who were qualified for military service, 27.4 per cent of whites and 42.7 per cent of non-whites were drafted. It is also evident from Figure 2.3 that qualified whites were more likely to discharge their draft liability by serving as officers and reservists. Blacks currently account for less than 2 per cent of officers and 1 per cent of paid reserve forces.

FIGURE 2.2.—ADVISORY TASK FORCE REPORT TO THE WHITE HOUSE CONFERENCE ON YOUTH

(Percent disqualified for military service at preinduction examination (excludes reexaminations), by cause of rejection, 1950-69)

Year	Race	Total	Failed mental test	Failed medical	Failed mental and medical	Administrative reasons
July 1950 to December 1965	Total	39.4	17.8	17.6	2.8	1.2
	White	34.7	11.9	19.4	2.2	1.2
1966	Total	36.8	11.5	22.6	1.6	1.1
	White	34.1	7.9	23.9	1.2	1.1
1967	Total	58.6	41.1	11.6	4.5	1.4
	White	37.9	9.8	25.2	1.6	1.3
1968	Total	51.1	29.9	26.9	1.4	.8
	White	40.0	10.4	14.7	4.6	1.9
1969	Total	37.7	6.6	28.9	2.0	.8
	White	54.2	33.5	14.3	5.5	.9
1969	Total	42.6	10.0	29.6	2.3	.7
	White	40.4	6.4	31.6	1.7	.7
	Black	56.1	31.7	17.2	6.5	.7

NOTES

Mental test standards have been raised and lowered during this time period but were stable during 1967-69. The medical standards have been comparatively constant.

In order to arrive at the medical disqualification rate it is necessary to add the columns "Failed medical" and "Failed mental and medical."

Administrative failures are primarily men who did not meet the moral standards because of a record of civil court convictions.

The 1960-65 consolidation masks variations in rejection rates which occurred during this time period. Annual data by race were not readily available for use in preparing this table.

The overall disqualification rates are slightly lower because some men enlist, other men enter officer programs, and in these cases there is a much lower rejection rate.

Source: Department of Defense.

ADVISORY TASK FORCE REPORT TO THE WHITE HOUSE CONFERENCE ON YOUTH

FIGURE 2.3.—MILITARY SERVICE STATUS OF MEN, 26 TO 34 YEARS OLD, BY COLOR, 1964

Status	[In percent]	
	White	Nonwhite
Entered military service	65.9	49.2
Drafted	21.6	24.6
Enlisted	30.0	24.6
Officer programs	3.8	.4
Reserve programs	10.2	1.7
Unknown	.4	.1
Never served (estimate)	34.1	50.8
Unfit for service	21.4	42.4
Other deferred/exempted	12.7	8.2
Total manpower	17,501,000	2,282,000

PERCENTAGE OF MEN QUALIFIED FOR SERVICE, 26-34, BY COLOR

Status	White	Nonwhite
Qualified	100.0	100.0
Drafted	27.4	42.7
Enlisted	38.0	42.7
Officer programs	4.8	.007
Reserve programs	12.9	.03
Unknown		.0017
Deferred/exempted	17.4	14.2

Source: Data extrapolated from the table above, 13,755,786 white males were qualified for service (78.6 of 17,501,000), 1,314,432 nonwhites were qualified for service (57.6 of 2,282,000). Percentages of those who served in the various categories were found by dividing the percent of those who served in the various categories in the table above by the percentage of men qualified to serve. Example: White drafted were (above table) 21.6 percent divided by 78.6=27.4 percent of qualified whites.

These figures reveal the uneven distribution of the defense burden in terms of the numbers who served, but they conceal the similarly uneven distribution of how they served. That draftees are more likely to face combat is corroborated by Assistant Secretary of the Army William K. Brem, who stated, "Draftees tend to populate the hard core combat skills; 70 per cent of the infantry, armor and artillery are draftees." A very real consequence of this assignment policy is that draftees have accounted for 55 per cent of Vietnam battle deaths. A draftee's chances of being killed or wounded in Vietnam in 1969 were 23.4 per cent, compared with 13.7 per cent for regular volunteers. Casualty rates have also been higher for certain minority groups, notably blacks and Chicanos. The draftees, blacks and Chicanos are understandably upset that they have been required to assume the greatest risks. The explanation rests on the fact that the combat skills involve shorter training periods and demand less education than many of the technical occupational specialties. A two-year draftee is unlikely to be assigned to an electronics skill that requires a 16-month training course. Many blacks and Chicanos have been deprived of good schooling, and they find that they are only qualified for the less technical combat skills. The educational inequity levied against minority groups in our society is thus compounded by the draft, which forces the lesser educated whites, the blacks, the Chicanos, and other minority group members to serve at low rates of pay and incur greater casualty rates. We sincerely hope that steps will be taken to achieve true equality of economic and educational opportunities for all members of society.

In an attempt to reduce the inequities and human costs of conscription, the President introduced a lottery draft of 19-year olds on January 1, 1970. Although the lottery is preferable to the former draft system, it still falls short of achieving a fair distribution of the draft burden. Men can still be deferred as conscientious objectors, and under recent court rulings, an individual needs only to establish the sincerity of his beliefs (not necessarily religious beliefs) to be so deferred. Higher education enables an individual to more clearly articulate his beliefs and gives him a decided advantage over the less educated men. Medical and mental disqualifications that bestow 4-F and 1-Y deferments are presumably determined by Army doctors, but we learn that even these can be manipulated. The possibility for such manipulation was best described by an Army doctor when related:

"A white kid, a college student who came in with asthma, or an ulcer, or a psychiatric problem had usually been treated for his condition for years. He knew the doctor who saw him for asthma at age 15 and had a letter from the doctor. We might not be able to verify the condition, but we would still disqualify him. The typical black kid came from a ghetto or a rural area, and he might have had the same conditions, but he had never been treated for them and we never found out about them."

The opportunities to avoid the draft by finding irregularities in local board procedures or through other loopholes are clearly greater for the well-to-do youth who can readily obtain draft counseling or even hire a lawyer; draft lawyers today claim that they are winning over 90 per cent of their cases. It is clear that even with a lottery, the burden of the draft will still be carried by the less educated, physically qualified youths from the lower middle classes.

The impossible task of draft reform.

A fair and equitable draft, like a totalitarian democracy, is a contradiction in terms that defies resolution. However, we recognize that in the transition to an all-volunteer force, it may be necessary to legislate a

temporary extension of the draft authority, and accordingly, steps must be taken to reduce the inequities that presently characterize the system. Towards this end, the President has already implemented a lottery, and, by Executive Order, abolished occupational and paternity deferments. The President has further recommended two additional draft reforms requiring Congressional action, namely (a) that student deferments be abolished, and (b) that the present system of state quotas be replaced by a national order of call by lottery number. We endorse these recommendations and offer several additional reforms that, in our opinion, would reduce draft inequities.

The recent court rulings on deferments for conscientious objectors have bewildered many local draft board members who feel that they are not qualified to pass judgment on the sincerity of an individual's belief. Moreover, if a local board rejects a registrant's request for reclassification to CO status, he may appeal the decision but his request is forwarded to an Appeals Board where he is denied the right to make a personal appearance or to have a lawyer represent him. We do not believe that local draft board members should be asked to decide the merits of requests for CO deferments. We recommend that all conscientious objector cases be immediately forwarded to State Appeal Boards made up of individuals who are better qualified to evaluate these cases. Hardship deferment cases, however, can best be evaluated and judged on the local level, as they are at present.

In order to correct the present situation where a registrant making an appeal is denied the legal rights that ordinarily go with due process of law, we recommend the adoption of one of the following two alternatives: (a) that the registrant be entitled to a personal appearance, with legal counsel, or (b) that a Youth Advocate, to be appointed independently, will serve on each State Appeal Board with the express purpose of representing the interests of the draft registrants.

The local draft board clerks, who are typically Civil Servants in pay grade GS-5 with a starting salary of \$6,548, are possibly the most powerful agents in the entire Selective Service System. As the sole full-time, paid employee on the local board, the local board clerk registers the individual, handles all correspondence, and prepares all of the information presented to local board members in case of a hearing for reclassification. She performs fully 85 to 90 per cent of the work and frequently uses her judgment in settling individual cases. The clerk thus becomes the expert that the part-time board members turn to for advice and guidance. In the light of these facts, we feel that the position should be upgraded, and the individuals occupying those positions be periodically reviewed by the national office.

The original design of the system, that the local board members would be friends and neighbors of the registrant and could rely on personal knowledge to judge individual cases, is clearly obsolete in a highly urbanized and mobile society. A major bone of contention is that the local boards are not representative of their constituency. Blacks who make up 11-12 per cent of the population account for only 6.6 per cent of local draft board membership, and the discrepancy is even larger in some states like Mississippi and Alabama. In addition to these racial imbalances, youths object to the fact that it is not their parents but is instead their grandparents who decide their future. Fully 61 per cent of board members were over 50 years of age in 1967, and given the present 25-year term of service, they are probably even older now. We would propose that the minimum age for membership on a local draft board be reduced to 26, and that the term of service be lowered to 10 years. We strongly urge that Selective Service take

these steps to get local draft board members who are more nearly representative of their constituencies and more receptive to the attitudes and values of their draft registrants.

Our task force thus recommends that if a temporary extension of the draft authority beyond June 30, 1971 is required for our national security, the draft law should be amended to include the following provisions:

1. That the President's recommendations to end undergraduate student deferments and to institute a national order of call be adopted. We further recommend that all other deferments, except those for ROTC students and hardship cases, be eliminated.

2. That appeals for conscientious objector deferments be directed to special State Appeal Boards consisting of qualified individuals who are better able to make these determinations. That the appeal procedure be modified to permit the registrant either (a) to make a personal appearance with legal counsel, or (b) to be represented by a Youth Advocate.

3. That the minimum age for local draft members be set at 26, and the maximum age at 65, with terms of service limited to ten years. We further urge that the racial and ethnic composition of local boards more closely conform to that of the community they represent.

A draft, even one that incorporates all of our recommendations, will still be unfair because only a minority of the population would serve. A truly equal lottery system can only establish equality of risk, not equality of service. There is no way of equating the suspense of a single night waiting for the lottery drawing with the two-year loss of freedom suffered by a draftee.

Other draft reform proposals have been made—Universal Military Training (UMT) and Alternate National Service. Our task force rejects both of these measures. UMT, in which all physically and mentally qualified young men serve for shorter periods of time than the present two-year stint, is an expansion of unnecessary compulsion. Universal compulsion in no way rectifies the basic inequities of any compulsion. Furthermore, most military leaders agree that UMT, which would be prohibitively costly, is unnecessary in light of the technology of modern warfare which no longer calls for large land armies.

Alternate National Service similarly acts only to compound the problems of forced servitude as previously discussed in Chapter I. We believe that there is a better alternative—that of attracting men to freely choose military service instead of being ordered to serve—that would still provide the necessary forces for our national defense.

The need for adequate defense forces

In the last two years, there has been a definite change in our defense posture. Military manpower levels are being reduced. The President has asked our Allies to assume a larger share of the burden of mutual defense treaties. U.S. troops have begun withdrawing from Vietnam, and U.S. force reductions are planned for Korea, Thailand, Japan and the Philippines. The ultimate aim of the Nixon doctrine is to move from the cold war era of confrontation to an era of negotiation. We agree, of course, that every effort should be made to resolve world conflicts by negotiation rather than by war. However, we also believe that our military forces cannot be weakened to a point where aggression becomes tempting to an adversary. Although there are some hopeful signs, peace certainly is far from assured, and we must maintain sufficient military forces to deter attacks.

The force levels deemed necessary to maintain the Nation's security clearly affect our judgments on how to raise those forces. No one would favor a draft for a force of a million men, and few would endorse volun-

tarism if 10 million men were needed. Armed Service strength has declined from 3.5 million men in 1969 to just under 3 million at the start of 1971. According to the fiscal 1972 budget, our national security will require a force of only 2.5 million men by June 30, 1972. These reductions make it easier to end the draft and move to an all-volunteer force.

Cuts in active forces are being accompanied by Department of Defense plans to increase the readiness of reserve units. The Secretary of Defense has directed that reserve components will be the primary source of trained manpower in the event of a future emergency requiring expanded active forces. Implementation of this directive would mean that draft calls would not have to be used to provide flexibility in the defense capability of our active forces, at least within the range of trained manpower that can be supplied by paid reserve forces of a million men.

Policies adopted in the 1970's must be able to supply enough men for both the active and reserve forces needed for our security. Of the 2 million youth who reach age 19 each year, about 1.4 million will be physically and mentally qualified for military service. Our policies must direct some 700,000 young men to the active and reserve forces next year, and about 450,000 new entrants must be enlisted to sustain an active force of 2.5 million in the mid-1970's. These are the challenges we must meet to provide adequate defense forces.

III. THE SOCIAL DESIRABILITY OF AN ALL-VOLUNTEER FORCE

A military force that is staffed by men who serve of their own free choice is clearly feasible, but we recognize that the desirability of such a force has been questioned. Some point to the possibility that an all-volunteer force would exploit the disadvantaged, and that the Nation would be defended by an army of the black and the poor. Others fear that a voluntary force would be alienated from the rest of society, thereby distorting the existing relationship between the citizen and the military. Behind these questions of potential danger is the tacit assumption that an all-volunteer force would be substantially different from a mixed force of draftees and volunteers in its composition and in the way that these forces would be used in our defense posture. We have found no evidence to support the validity of these alleged dangers.

The professional army

It has been alleged that an all-volunteer force would be a professional military force whose values and quotas differ from those held by the rest of society. We would like to point out that under the draft, many men are true volunteers who freely choose a military service career, regardless of the draft. Around 2 million men can be considered true volunteers, and these include nearly all officers who determine military strategy and the top non-commissioned enlisted men who voluntarily reenlisted after they had satisfied their military service obligations. These men are professionals, and they will be in our Armed Forces with or without a draft.

The fear has been expressed that the absence of draftees and draft-motivated volunteers who return to civilian life after completing their obligated terms will result in a stagnant force isolated from the society they defend. The presumption is that everyone who volunteers will remain in the Armed Forces, but as the President's Commission on an All-Volunteer Armed Force wrote:

"The volunteer force must attract 325,000 men," the conscripted force 440,000 men. Further, the men who join the volunteer force will not all become long service professionals. An estimated 215,000 will leave after a single tour. As a result, about half the men in a volunteer force will be in their first tour

of duty. The large infusion of new men will help insure that neither force becomes isolated from society."

There will be some reduction in personnel turnover, but we fail to see how a rapid turnover of first-term military personnel can influence military strategy. The majority of new recruits—volunteers and draftees—avoid direct confrontation with the military bureaucracy by simply obeying orders; their power to dissent is limited. The use of military forces is determined by the senior officers, and it is important that these officers are drawn from a broad cross-section of our society. We believe that an expanded ROTC scholarship program and in-service educational programs that permit enlisted men to be advanced to officers can provide the means to insure that the officers in a volunteer force will share the values of the rest of society and will not form a separate military class.

Some have argued that a volunteer force will be composed of mercenaries, which Webster defines as "serving merely for pay or sordid advantage," or "hired for service in the army of a foreign country." The charge totally ignores the previously stated fact that nearly 2 million men who serve now in our Armed Forces are true volunteers who entered or remained in military service for a variety of motives unrelated to the draft—to get training and educational benefits, to serve the nation, for career opportunities, to travel, etc. We grant that many men are currently discouraged from becoming volunteers because of the low levels of entry pay, but to overcome this by paying competitive wages can hardly be called mercenary. Likewise, the charge that a volunteer force would only attract individuals who are pathologically disposed to violence is absurd. To the extent that such men are in our society, they can enlist today, with or without a draft.

The technology of modern warfare has greatly civilianized our Armed Forces. During the Revolutionary War, fully 90 per cent of the soldiers were in combat infantry units that had no close counterparts in civilian life. Only 30 per cent of today's Armed Forces falls into these combat occupational specialties, and the remaining 70 per cent of our servicemen work at jobs very much like those found in civilian life—auto mechanics, X-ray technicians, clerks, cargo pilots, etc. Modern defense no longer calls for large land armies fed by a rapid turnover of young men, but demands a professional force whose productivity climbs with age and experience.

Domestic and foreign interventionism

It has been argued that the draft must be retained because an all-volunteer force is more likely to engineer a military takeover of our Government. We can find no historical evidence to support this argument. Napoleon and Franco both rode to power with conscripted armies. The Fascist governments of Germany and Italy, as well as those of all the communist powers, have all turned to a draft to raise the military forces that kept them in power. The military coups that established the dictatorships in Argentina and Greece were accomplished with armies raised by a draft. The presence of conscripted men in the Armed Forces offers no insurance against a military take-over.

On the other hand, Great Britain and Canada, two nations with political traditions quite similar to our own, presently rely on volunteers to staff their Armed Forces. There is no fear of a powerful military influence because both nations have retained civilian control of their defense establishments.

A more serious fear is that in the absence of a draft, our Nation will be involved in more foreign military adventures when all servicemen are true volunteers. These critics of an all-volunteer force often appeal to the warnings of our founding fathers against

excessive military influence. Let us examine these warnings. Madison argued that "The greatest danger to liberty is from large standing armies." Notice that the fear he expressed was not against the way in which men are recruited into military service, but against the size and permanence of military forces. Edmund Randolph, a leading advocate of broad governmental powers, opposed the move to add the power of conscription to the Constitution because it would "stretch the strings of government too violently to be adopted." Indeed, the members of the Constitutional Convention could not forget that the Hessian mercenaries whom they had fought in the Revolutionary War were actually conscripted into service and sold to the British. Our founding fathers who stressed the importance of citizen-soldiers were primarily concerned with developing a citizen militia of part-time soldiers and not with conscripting men for standing armies.

Although Washington, Jefferson, and Madison all tried to get the power to draft, each was rebuffed by a Congress that jealously guarded its constitutional power to raise and support armies. In leading the opposition to President Madison's request for draft authority in 1814, Daniel Webster eloquently argued how the power of conscription could lead to military adventurism without the democratic consent of the people.

"In the present want of men and money, the Secretary of War has proposed to Congress a military conscription. For the conquest of Canada, the people will not enlist; and if they would, the treasury is exhausted, and they could not be paid. Conscription is chosen as the most promising instrument, both of overcoming reluctance to the service, and of subduing the difficulties which arise from the exchequer.

"Persons thus taken by force and put into the army, may be compelled to serve . . . according to the will and pleasure of the government. This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to the government at all times, in peace as well as in war, and it is to be exercised under all circumstances, according to its mere discretion . . .

"Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No, sir, indeed it is not. The constitution is libelled, foully libelled. The people of the country have not established for themselves such a fabric of despotism . . . Where is it written in the Constitution . . . that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war in which the folly or wickedness of government may engage it?"

A century later, Congressman Carl Hayden underscored the connection between militarism and the power to draft when he stated:

"I am convinced that most of the propaganda in favor of a selective conscription is founded not so much upon a desire to win the war as it is to accustom the people to this method of raising armies and thereby to establish it as a permanent system in this country . . . Let us not pay Prussian militarism, which we are seeking to destroy, the compliment of adopting the most hateful and baneful of its institutions."

These statements clearly enunciate the danger of establishing an induction authority under the sole control of the Executive branch of Government. We strongly believe that if a draft is needed, Congress should exercise control over the power to draft, thereby assuring civilian control of our military forces.

Others who would agree that the draft is antithetical to our American tradition argue that we must keep the draft in this era of unusually large peacetime forces in order to retain civilian control. These critics of a

voluntary force fail to recognize that the draft enables us to maintain these large forces by providing us with a cheap source of manpower, a point emphasized in the Webster quotation above. Moreover, by leaving the induction authority in the hands of the Executive, Congress relinquishes its civilian control over the size of the forces. This loss of Congressional control is expressed in the following statement by Senator George McGovern:

"Under a proper volunteer system which would permit a draft only with the approval of Congress, the increased manpower needed to fight a war could not be secured without explicit Congressional action to either reintroduce the draft or expand the incentives to recruit more men. In addition, most of the costs for the operation would be contained in the budget and would be open and explicit rather than being artificially disguised as through the present tax in kind paid by conscripts. This is of key importance to civilian control over the military. For the key problem has been Congressional approval of military budget requests without understanding what was being approved or why."

The views expressed by Webster, Hayden, and McGovern all argue that abolition of the draft and establishment of an all-volunteer force will return to Congress its Constitutional power to raise and support armies, thereby giving Congress greater civilian control over the size and deployment of our military forces.

Our nation has historically maintained a tradition of strong civilian control over the Armed Services. An end to the draft will not change this tradition because Congress and the President will determine the size of our military forces and the way that they are used. Our military leaders have always accepted this civilian control, and there is no reason to suppose that they will not accept it when men are no longer conscripted but are recruited on a voluntary basis. In short, we believe that civilian control would be even greater and military adventures fewer when the power to draft manpower has been abolished.

An army of the poor and the black

Perhaps the most unfounded allegation is that an all-volunteer force would be mainly staffed by the poor and the black. Simple arithmetic belies this contention. Consider an extreme case in which every black who is qualified for military service becomes a true volunteer. About half of the 250 thousand blacks reaching the age of 19 each year can be expected to be physically and mentally qualified for military service. If all volunteer, the annual input of 125 thousand blacks will still comprise only about one-third of the manpower requirements for an all-volunteer force.

The projection of an all-black Army apparently originated in the mid-1960's when black soldiers accounted for 22.8 per cent of first-term Army reenlistments in 1965, raising the proportion of black non-commissioned officers leading white draftee troops. But the 1965 experience was atypical, and by 1969, only 11.8 per cent of Army first-term reenlistments were blacks. Department of Defense statistics show that in 1969 about 56 out of every 100 blacks failed their pre-induction physicals, as compared to 40 of every 100 whites. The qualified blacks have entered military service under the draft at a higher rate than qualified whites, but because there are proportionally fewer qualified blacks, the overall military service participation of blacks is below that of whites. Presently, blacks make up 12.5 per cent of the U.S. population but only 9.5 per cent of our Armed Forces.

The black population is growing, and according to Census projections, it is estimated

that by 1980 blacks will comprise 14 to 15 per cent of the U.S. population. In the light of the population growth and the advancing educational attainment of blacks (tending to lower their disqualification rates), the Gates Commission estimated that under a continued draft, blacks can be expected to comprise at a maximum 14 per cent of the Armed Forces. It is alleged that the higher pay of an all-volunteer force (which, it will be remembered, only raises military pay to competitive civilian wages) will seduce the blacks and the poor to enlist in large droves. Many qualified blacks and members of other minority groups are already enlisting today as true volunteers because military service, even at today's low rates of pay, is often their best economic alternative; the numbers who remain to be seduced by higher pay are rather small. Given these considerations the Gates Commission projected that the maximum percentage of blacks in an all-volunteer force is estimated to be only 15 per cent.

We fully recognize that these projections are estimates, and we are sensitive to the concern that no racial, ethnic, or socio-economic group be asked to bear a disproportionate share of our national defense. The steps that are now being taken to enhance the educational and economic opportunities of minority groups will help to prevent the development of serious racial imbalances. An all-volunteer force offers recruits entry level pay rates that are competitive with civilian wages, and no one is compelled to join. Those individuals who endorse the draft as a means of avoiding an army of the poor and the black clearly hold the paternalistic belief that the poor and the black are incapable of deciding for themselves whether they should volunteer, be drafted, or not enlist at all. It is important to point out that the leaders of the black community do not share this fear of an all-black army. Such diverse black leaders as Senator Edward Brooke, Representative Shirley Chisholm, Ralph Abernathy of the Southern Christian Leadership Conference, Mrs. Martin Luther King, Roy Wilkins of the NAACP, and George Wiley of National Welfare Rights all support repeal of the draft. A recent statement of Representative Parren Mitchell, a black Congressman from Baltimore, Maryland, is extremely pertinent:

"The great majority of black leaders have spoken out in support of the voluntary army. It is personally irritating to me that there are those who would oppose this volunteer army on the basis of what it does to black people without consulting the very people about whom they are speaking. We are past the stage of noblesse oblige."

After reviewing the evidence, we must reject the alleged fears of a professional army, the loss of civilian control, and an army of the poor and the black. The senior officers who command our military forces today are true volunteers, and the presence or absence of a draft will have no effect on the composition of these officers. The propensity to engage in military adventures—either domestic or foreign—has been limited by civilian control of the Department of Defense, and we believe that if an all-volunteer force is established, it will lead to even greater civilian control. Finally, the argument that the black and poor will be seduced to enlist by the higher pay has no basis in fact. As we pointed out in the preceding chapter, the draft presently discriminates against the less educated and poorer blacks, whites, and Chicanos who qualify for military service. To the extent that many of these men would become volunteers in the absence of a draft, they would be doing so of their own free choice and will be paid at equitable rates of pay. In addition, many middle-class youths who are currently discouraged by low rates of military pay, would seriously consider a military service

career that offers decent pay and stimulating career opportunities.

In the light of our deliberations, we have concluded that an all-volunteer force is a socially desirable means of raising our Armed Forces.

IV. A PLAN FOR THE TRANSITION TO AN ALL-VOLUNTEER FORCE

The steps that must be taken to end the draft will require a commitment and willingness on the part of the Congress, the Department of Defense, and the public to implement the necessary policy changes. The need to meet our military manpower requirements may necessitate a temporary extension of the draft authority when the present draft law expires on June 30, 1971. In the light of these considerations, we have developed a plan to bridge the transition to the time when our Armed Forces will be staffed by men who have freely chosen military service.

One-year extension of the draft authority

The inertia of the draft is exemplified by the fact that the last five laws have all extended the draft authority for four years, with virtually no Congressional debate about the choice of four years. In the brief House debate preceding passage of the 1967 Act, an amendment proposing only a two-year extension was overwhelmingly defeated. We recognize that forces are being withdrawn from Vietnam, that we are asking our Allies to assume a larger share of the military manpower burden for our mutual defense, and that, according to the Department of Defense announcement on August 21, 1970, we shall not use higher draft calls to augment the size of the active duty forces but will rely instead on the Reserves and Guards to supply trained manpower. All of these factors point to lower draft calls in the years ahead. But in the immediate short run of fiscal 1972, it is anticipated that, barring major personnel policy changes, Regular Army enlistments will have to be augmented by draft calls of almost 120,000 men to meet the Army's strength objectives.

The Department of Defense has announced its intention of placing greater reliance on volunteers to achieve the goal of zero draft calls by June 30, 1973. Toward this end, the Department's "Project Volunteer" has implemented some policies and proposed others designed to attract and retain more volunteers. Spokesmen for Project Volunteer argue that it will take time before their policies become fully effective; meanwhile they contend, the draft authority must be extended for at least two years. In their view, Project Volunteer seeks the same ultimate goal of an all-volunteer force, with the two-year extension of draft authority providing enough time for the pay incentives and other recruitment efforts to produce the necessary number of volunteers. Given the Project Volunteer effort, why do we recommend a one-year extension?

Our first reason deals with incentives for making the all-volunteer system work. The existence of the draft has dulled the Services' incentive to establish efficient recruiting organizations, to avoid morale-destroying and irrelevant discipline and make-work assignments, and to use available manpower efficiently. The longer the Services can fall back on the draft to meet strength deficits, the less the incentive for rapid execution of policies to attract true volunteers. The Armed Services and the Department of Defense are not the only ones susceptible to this weakness. It applies to the Congress as well. The demands for Federal funds are boundless: pollution, education, poverty, rapid transit, etc.—all compete for money. If the draft were extended for two or four years, Congress might easily delay appropriations for military pay raises required by the all-volunteer

systems in order to fund other domestic programs. The pressure to appropriate funds needed to raise the pay of first-term enlisted men and officers to equitable levels would be considerably greater if Congress were faced with an end to the draft in twelve months. A one-year extension would also improve the chances for rapid adoption of our other policy recommendations.

Second, the public as a whole and youth in particular have indicated through their actions and through survey responses that they are strongly opposed to the draft and increasingly favor the all-volunteer force. A pledge to implement programs that might achieve zero draft calls after this "last" extension of two years could well lack conviction. After all, the last five draft laws have espoused the principle that maximum reliance would be placed on volunteers. The low rates of entry pay and a less than enthusiastic recruiting effort evidence our failure to adhere to this principle over the last two decades. A two- or four-year extension of the draft authority could easily be interpreted as another extension that will be followed by another and yet another extension. A one-year extension would more clearly demonstrate our sincere desire to end conscription at the earliest possible date.

Our third reason acknowledges the fact that Congress and the President ultimately set public policy. A one-year extension of the draft provides us with an opportunity to evaluate the impact of pay raises and other incentives on the supply of volunteers. Some have expressed grave concern that supply estimates may be overly optimistic and that manpower shortages will result. It should be remembered that the draft law will still be in effect during this year. At the end of the year, Congress can review the performance of the Armed Services, and legislate another extension if it concludes that an extension is in the national interest.

In our plan, the draft authority that would be extended for one year would incorporate the draft reforms recommended in Chapter II—student deferments should be abolished, the appeal procedure for conscientious objection should be changed, and the composition of local draft boards revised.

A commitment to voluntarism

The House debate in May, 1967, produced a proposal that Congress endorse the principle of voluntarism, that the 1967 extension of draft authority was temporary, and that steps be taken to achieve an all-volunteer armed force. Opponents argued that the provisions of the proposal were understood, and that articulation of such an amendment would undermine the Selective Service System. The amendment was defeated even though it was never shown just how it could undermine Selective Service. Our task force believes that the 1971 extension of the draft authority must contain an explicit and firm statement endorsing voluntarism as the only fair and impartial means of raising our Armed Forces. This commitment to voluntarism should signal an end to the present draft authority, which would be replaced on June 30, 1972, by the standby draft registration described in the next section.

Manpower Policies Needed to End the Draft

The Armed Services would be sure to suffer a sharp reduction in the flow of volunteers if the draft were ended today with no accompanying changes in pay or other recruitment incentives. [The Gates Commission estimated the pay and incentives which would be adequate to attract enough men on a truly voluntary basis to staff active duty forces of up to 3 million men in the absence of a draft.] We have carefully studied the Gates Commission report and other studies on the cost of an all-volunteer force. We

realize that the goal of ending conscription will require higher budgetary outlays and some sharp changes in military manpower practices. We believe that if the policies recommended in this section are adopted, the Armed Services will be able to meet their manpower needs on a voluntary basis, and that youth will no longer be asked to suffer the compulsion and inequities of a peacetime draft.

Manpower policies needed to end the draft

A soldier's pay is not an easy thing to measure. He receives part of it in cash and part in kind. Military compensation includes (1) basic pay, (2) value of quarters or cash allowance, (3) value of subsistence or cash allowance, and (4) the tax advantage received because quarters and subsistence allowances (or their money value if they are provided in kind) are not taxed. In addition to regular pay, many servicemen receive such special compensation as proficiency pay, reenlistment bonuses, hostile fire pay, jump pay, etc. (depending on particular assignments) and nearly all benefit from free medical care.

The unmarried youth entering the enlisted ranks today receives a starting monthly pay of only \$259, well below the civilian minimum wage of \$300 a month and even further below the \$434 his peers average as civilians. His military pay will, however, rise quickly as he is advanced to higher pay grades. But the pay raises legislated by Congress during the last two decades have, for the most part, been directed at the men in the career force with more than two years of service. Congress has not seen fit to raise the pay of recruits, primarily because the Services could turn to a draft to obtain the needed supply of men. These absurdly low rates of pay have imposed a heavy hidden tax on those young men who have volunteered or were drafted for service. Equity alone calls for a major adjustment in the pay of first-term enlisted men and officers. As part of the plan to achieve zero draft calls, the Administration has recommended that the basic pay of a recruit be raised by \$73 a month, effective May 1, 1971. We endorse this recommendation but urge that entry pay be further raised to levels competitive with civilian wages. The present and recommended regular military pay of single enlisted men are shown in Figure 4.1. The Project Volunteer recommendation refers to proposed pay rates that would become effective sequentially on May 1, 1971, and July 1, 1972. We urge that the pay of enlisted men be raised early in fiscal 1972, and preferably by August, 1971, to the levels recommended by the Gates Commission.

These higher pay rates would eliminate the financial penalty imposed on the young men in our Armed Services and would go a long way toward attracting larger numbers of volunteers when the draft is ended. Indeed, the Gates Commission estimated that at these pay rates, the Services could recruit enough men to staff active duty forces of up to 2.5 million men.

A major Department of Defense study, the Hubbell report, has recommended a salary system to simplify the structure of military pay and to enhance its appeal. Many Servicemen and civilians look only at basic pay when drawing comparisons with civilian wages, even though basic pay makes up only 50 to 70 per cent of regular military compensation, as previously discussed. The Hubbell report has shown that this misconception is an important factor in the poor retention of qualified men. We agree with these findings and recommend that the present structure of military pay be replaced by a full salary system that would enhance the perceived monetary attractiveness of a military career.

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FIGURE 4.1.—PRESENT AND RECOMMENDED MONTHLY RATES OF REGULAR MILITARY PAY (FOR SINGLE ENLISTED MEN WITH LESS THAN 2 YEARS SERVICE)

	Pay grade		
	E-1	E-2	E-3
Present monthly pay rates:			
1. Basic pay.....	\$134	\$149	\$181
2. Quarters, subsistence, and tax advantage.....	125	127	128
3. Regular military pay.....	259	276	309
Recommended monthly rate of regular military pay:			
4. Gates Commission.....	444	454	471
5. Project Volunteer, effective May 1971.....	332	354	376
6. Project Volunteer, effective July 1972.....	416	453	479
Recommended increases in regular military pay:			
7. Gates Commission.....	185	178	162
8. Project Volunteer, May 1971.....	73	78	67
9. Project Volunteer, July 1972.....	157	177	170
Recommended percentage increases:			
10. Gates Commission.....	71	64	52
11. Project Volunteer, May 1971.....	28	28	22
12. Project Volunteer July 1972.....	61	64	55

Note: The above table reflects the situation as of March 1971, and includes a cost-of-living adjustment and the general pay increases in the entire Federal pay system which have been effected since August 1970, when the task force work began.

Source: Gates Commission rates for regular military pay are based on the basic pay rates in H.R. 4450 plus cash value of subsistence and quarters and Federal income tax advantage. The Project Volunteer May 1971 rates are based on S. 496 and H.R. 3496, plus similar calculations for allowances and tax advantage. The Project Volunteer July 1972 rates are based on current DOD planning estimates provided to the House Armed Services Committee "Executive Branch Proposals on Military Compensation" Committee Print No. 2, Feb. 24, 1971.

REGULAR MILITARY PAY FIGURES AS OF AUGUST 1970

	Pay grade		
	E-1	E-2	E-3
Present monthly pay rates:			
1. Basic pay.....	\$125	\$138	\$168
2. Quarters, subsistence, and tax advantage.....	81	81	81
3. Regular military pay.....	206	219	249
Recommended monthly rates of regular military pay:			
4. Gates Commission.....	322	371	389
5. Project Volunteer.....	320	351	368
Recommended increases in monthly regular military pay:			
6. Gates Commission.....	116	152	140
7. Project Volunteer.....	114	132	119
Recommended percentage increases:			
8. Gates Commission.....	56	69	56
9. Project Volunteer.....	55	60	48

Source: "Review of the Administration and Operations of the Draft Law" House of Representatives, Committee on Armed Services, special subcommittee on the draft, HASC No. 91-80 (Washington, D.C. July 23, 1970). All figures were rounded to the nearest dollar and were taken from the tables appearing on pp. 12671-12677.

At the present time, a first-term enlisted man cannot be directly rewarded with pay differentials to reflect the skill requirements of his job or his job performance. To the extent that the most highly qualified men are more rapidly promoted, they earn nominally higher rates of basic pay. However, at the reenlistment point, the soldier completing his obligated term faces a considerably wider range of pay options. If he is in a highly skilled military occupational specialty that has a manpower shortage, he may be eligible for a Variable Reenlistment bonus that could reach \$10,000.00, plus proficiency pay of \$100 to \$150 per month. When it comes to managing the men in the career

force, the Armed Services have accepted the principle that substantial pay differentials should be used to reward the highly skilled men and to meet temporary manpower shortages. We believe that the same principle should be extended to first-term enlisted men. Individuals who bring transferable civilian skills to the Services or who volunteer for occupational specialties having manpower shortages should be awarded higher pay either in the form of proficiency pay or initial bonuses. It is argued that in the absence of a draft, the Army might not attract enough men to volunteer for the combat units. In this event, a system of pay differentials for new recruits could be used to offer added pay inducements to men volunteering for these units.

As a final pay-related matter, we recommend that the Army adopt the same pay schedule as the Navy, Marine Corps and Air Force, under which their members are paid twice monthly as opposed to the Army's present system of one pay day per month.

Terms of service and the retirement system

All recruits entering the Armed Forces incur a fixed initial obligated term of service, rarely found in civilian employment contracts, presumably because the Services must be assured of a minimum length of service to recoup the high training costs. A longer initial term means lower personnel turnover which, in turn, results in lower training costs. However, fewer men are willing to volunteer for six as opposed to four years unless they can receive higher pay for the added commitment. Recruits to the British Armed Forces who enlist for six- or nine-year terms earn an added commitment pay that is not paid to men who sign up for the shorter three-year tours.

The benefits of such longer terms are obviously larger for those occupations that entail higher training outlays. The system of variable reenlistment bonuses that is now available to men already in the force offers larger bonuses to those individuals who reenlist for longer obligated terms in occupations having high training costs and manpower shortages. An electronics technician whose training may cost \$15,000 or more typically receives a three to four times larger bonus as a supplyhandler or truck driver. We recommend that the Armed Services develop an analogous system for new recruits entering military service, that recruits be offered a wider range of enlistment terms extending up to six or eight years, and that added commitment pay be paid to those men volunteering for the longer terms.

The current military retirement system offers extremely generous retirement benefits to the comparatively small number of men and officers who complete a full tour of twenty years active-duty service. Although officers who are involuntarily discharged prior to the twenty-year point are eligible for some separation pay, enlisted men not completing twenty years active duty get nothing except for the modest benefits under the G.I. Bill and Veterans Administration.

The Armed Forces do not want all enlisted men and officers to stay for the full twenty years. The optimum length of service varies, being shorter in those occupational specialties, like fighter pilots and airborne troops, which place a premium on youth and physical fitness; longer in those occupations where the individual's productivity climbs with age and experience. The optimum lengths in many specialties range between eight and twelve years. The retirement system should be flexible enough to attract some men for medium tours of duty and to reward them with meaningful separation allowances. We endorse the Hubbell recommendation that a vested retirement system similar to that used by the Civil Service be adopted by the military to replace the present non-vested system, thereby allowing men to leave military serv-

ice with some retirement benefits before reaching the twenty-year point. The vested system would alleviate the unhealthy situations that now occur when men and officers serve only to wait out the remaining years to retirement.

Finally, the Armed Services in conjunction with the Veterans Administration should be urged to study more meaningful resettlement programs wherein an ex-serviceman can get the necessary retraining for civilian jobs in addition to the job information now provided by VA.

Recruitment

The draft has served as a disincentive to the development of a comprehensive recruiting effort. Over the last few years, the Army consistently failed to meet its old authorized recruiter strength of 2,969, often falling 300 to 600 men below this level. These shortages have undoubtedly resulted in fewer Army volunteers, thereby necessitating larger draft calls. We understand that as of January, 1971, the Army has eliminated these shortages. In the past, recruiter strengths appear to have had little relationship to the requirements for new recruits; the Army assigned about the same number of men to recruiting duty in 1965 and 1968 even though the requirements for new accessions climbed from 204 to 533 thousand men in those years. This situation would be intolerable for an all-volunteer force that depends on an effective recruiting organization to meet its strength objectives. We recommend that the Services establish authorized recruiter strengths by determining the number of recruiters needed to produce the required number of volunteers. We are pleased to find that the Project Volunteer effort is recommending a substantial increase in recruiter strengths. We urge that in the transition to an all-volunteer force, recruiter shortages (in relation to the needed authorized levels) not be allowed to develop.

To establish effective organizations, the Services must offer better training and incentives to the men and officers assigned to recruiting duty. Until very recently, recruiters were only eligible for the \$30 per month pro pay. Recruiters also incur out-of-pocket costs, such as buying coffee for prospective applicants, as well as higher living expenses because they often operate out of major urban centers. We recommend that recruiters be provided with a modest petty cash fund for normal out-of-pocket costs, and that the better recruiters be made eligible for superior performance pro pay in addition to the present \$50 per month pro pay.

The advertising budget for recruiting has remained at low level for many years. We applaud the recent Project Volunteer efforts that have greatly expanded the advertising budgets. Part of these additional funds may be used to purchase prime T.V. time so that the Services may better present their opportunities to the youth of the Nation.

The effectiveness of the recruiting system has also been plagued by its rapid personnel turnover, which in some areas has reached 80 per cent per year. The good recruiter cannot rely solely on the walk-ins and simply assist them in filling out forms. He must establish lines of communication with the local high schools, youth clubs, and other hangouts. The Department of Defense has recognized this, and they have recently tried to make all recruiting assignments three-year tours. We are also favorably impressed by some recruiting practices of the all-volunteer British forces wherein retired military personnel are sometimes used to man recruiting stations, and teams of young enlisted men who recently joined the Services are sent out on recruiting trips.

Finally, the Armed Services must elevate the status of their recruiting organizations to the same level as that accorded to their

strategic and general-purpose forces. It has been alleged that recruiting is a dead-end assignment; i.e. recruiters are rarely selected for rapid promotion to the top pay grades. If true, this is a damaging allegation that must be corrected. With or without a draft, the recruitment of qualified men is equally as important as their training and subsequent assignment to operating units.

Officer procurement and scholarship program

The recruitment of officers poses an important but smaller problem for an all-volunteer force. Aside from doctors and dentists, we must commission about 20 thousand new officers a year to staff a stable force of 2.25 million men. The three service academies and the ROTC scholarship programs are now budgeted to produce some 5 to 6 thousand officers each year; the remainder must be procured via the non-scholarship ROTC and officer candidate school programs.

The ROTC programs have been severely attacked on many college campuses, and there is some fear that ROTC will be unable to regain the same coverage of schools and support that it had in the early 1960's. Surveys reveal, however, that a majority of students, including those at Kent State, favor the retention of ROTC.

The Department of Defense also reports that there is a waiting list of colleges applying for ROTC programs. One of the primary values of ROTC is that ROTC officers are drawn from a broad cross-section of the United States population, thereby assuring a close and continuing link between the military and civilian sectors. An expansion of ROTC scholarships will enable some youths who could not otherwise have afforded to attend college to do so, and at the same time supply qualified officers to the all-volunteer force. These scholarship programs, however, entail long lead times of up to four years before they result in the production of officers available for active duty service. The ROTC officers who will be commissioned in the next two years are already in the pipeline. However, steps must be taken now to assure a continued supply of ROTC officers beyond this short horizon of two to three years. Although the number of ROTC scholarships has been increased, it still falls short of probable officer requirements in the years ahead. We recommend that ROTC scholarships be expanded to 10 per cent of the authorized non-medical officer strength beginning September 1, 1971, to insure a smooth transition to the all-volunteer force.

In addition to an expanded ROTC scholarship program, we urge that the Services study alternative officer programs and review the general requirement that all officers hold college degrees. Some positions that are now staffed with commissioned officers could be competently manned by warrant and limited duty officers who have less formal education. The Army has effectively utilized high school and junior college graduates as helicopter pilots, and Marine Corps enlisted men serve as navigators on some jets. Where experience and military training are more important than formal education (as they are for pilots and some technical jobs), we urge that the Services consider substituting warrant and limited duty officers for college graduates. An expanded warrant officer program would enhance the attractiveness of military service for the highly qualified enlisted man if he knew that he had a chance to be promoted to officer ranks.

Finally, it is feared that in the absence of a draft, the health services of the Armed Forces would be endangered by a shortfall in the supply of doctors. The care of dependents and retired military personnel accounts for a substantial part of the patient load handled by uniformed doctors. We urge that the Department of Defense study the possibility of transferring part of this patient

load to comprehensive group health plans staffed by civilian hospitals and doctors.

Servicemen stationed in or near major urban centers could be given a medical allowance to purchase equivalent medical care coverage. In addition to these possible transfers that reduce the demand for uniformed doctors, steps must be taken to expand the supply of doctors when we can no longer rely on the threat of a doctor draft to recruit nearly half of the doctors graduating from medical schools. The military pay of a doctor, is well below what he could earn as a civilian, and pay raises should be adopted to correct this situation. A medical scholarship program would also provide a powerful recruitment incentive. At the present time, the Department of Defense awards some 446 scholarships to senior medical students who draw full officer's pay and allowances and tuition for a total of \$10,838 each. These scholarship recipients and other medical students enrolled under the Berry medical education plan today are obligated to enter military service when they complete their medical training, thereby assuring a source of supply for the next year or two. However, steps must be taken now to expand the scholarship program to maintain a continued supply of doctors in the absence of a draft. The Project Volunteer plan has recommended that \$20 million be appropriated in fiscal year 1972 to establish 2,000 medical scholarships that grant full officer's pay and allowances of approximately \$10,000 a year in return for an obligation of one year of military service for each year of scholarship support. We heartily endorse the Project Volunteer proposal. This scholarship program, together with higher rates of military pay for doctors and other initiatives, should lead to higher retention in addition to more new entrants. These actions should assure the maintenance of the high quality of medical care now provided to our men in uniform.

Reserve forces

In the Department of Defense memorandum of August 21, 1970, Secretary of Defense Laird announced the policy that the Reserves and Guards will be the source of trained manpower in the event of a future emergency requiring the augmentation and expansion of the active duty forces. We wholeheartedly concur with this memorandum and agree that the necessary funds must be appropriated to modernize, train, and equip our reserve forces.

Some doubts have been voiced about the ability of the Reserves to attract enough volunteers in the absence of a draft liability. Surveys show that fully 70 to 80 per cent of first-term reservists are draft-motivated volunteers, but these figures exaggerate the magnitude of the probable manpower deficits. Under the draft, applicants have far outnumbered the available spaces in the Reserves, and the Reserves have understandably selected the cream from long waiting lists, taking the highly draft-motivated college and college-bound students. Many with less education were turned away. Individuals holding masters and doctorate degrees liberally sprinkle the enlisted ranks of many reserve units, and this overabundance of intellect may even have an adverse effect on readiness of reserve units.

The present size of our paid reserve forces of one million men was largely determined by Congressional fiat. In at least two instances, Congress overruled military judgment and legislated larger reserve requirements than the Department of Defense felt were needed for the national security. Congress appropriated the funds to train and pay these larger forces but sufficient monies to provide them with modern equipment were not forthcoming. As a result, the readiness and defense capability of this force of a million men fell short of expectations.

The pay raises that were recommended

for active duty forces will also be extended to men in the Reserves, and these pay raises will help to expand the supply of volunteers. When reservists are finally supplied with modern weapons and informed about the importance of their role there should be a pronounced rise in morale, making it easier to attract volunteers. The lure of travel abroad that attracts some youths to the active forces can be used to draw volunteers to the reserves. The two-week summer training exercises could, on alternate years, be conducted jointly with units of the active duty forces stationed at overseas bases. Travel is an obvious recruiting incentive to both civilians and returning veterans, but equally important, the joint training exercises with units of the active duty forces that the reserve units would augment in the event of activation would definitely improve reserve readiness.

Currently, the Air Force appears to make the best use of their Reserves and Air National Guards by merging their training exercises with regular Air Force missions. Weekend reserve pilots and crews often carry out military airlift missions to Vietnam. We strongly recommend that overseas training on alternate years be made a part of the Reserve training program. Higher pay, overseas training, modern weapons, and improved readiness all operate to expand the supply of volunteers from both civilian life and the ranks of returning veterans. These steps should be sufficient to meet the strength requirements of our Ready Reserves.

Military manpower management

The presence of the draft has encouraged the wasteful use of military manpower and fostered a tendency to cling to existing management practices. Assistant Secretary of Defense Roger T. Kelley emphasized this point when he stated:

"The ability to reach into the draft well and pick out whatever numbers you need can cover a lot of sins of underutilization of manpower, of misuse of manpower, of poor management." (House Hearings, August 4, 1970, p. 12664)

We have seen very few changes in DOD policies pertaining to the recruitment and management of first-term enlisted men. However, we direct attention to a notable exception, Project 100,000 (the New Standards program launched in 1966) wherein the Armed Services accepted men who fell below the then minimum mental/physical qualifications standards, offered them remedial education, corrected minor medical defects, and modified military training to place more emphasis on manual rather than verbal skills. These New Standards men, who would have been ineligible for active duty service in 1965, convincingly proved that, if properly managed, they were capable of being effective members of our Armed Forces. We were pleased to learn that the New Standards program will be continued, for the men who volunteer under this program will make it easier to meet our recruitment goals for an all-volunteer force.

Pay is not the only thing that directs men into different occupational pursuits. The opportunity for self-improvement through training and education, the challenge of the job, a chance to travel, the camaraderie of an elite fighting unit, and the quality of housing are some of the non-monetary factors that affect a young man's decision to enlist and that can be influenced by management policies.

Many Servicemen have voiced the objection that they are unable to explain and justify much of their daily work and some forms of discipline. Policing parade grounds at night, inspections on weekends, training exercises that have no obvious purpose are but some of the examples of what servicemen regard as irrelevant, unnecessary work and discipline—

the so-called "Mickey Mouse." Military discipline with respect to haircuts, beards, off-duty dress, etc. is often viewed as harassment and engenders antagonism. As part of Project Volunteer—the drive to achieve zero draft calls—Army chief of Staff General William C. Westmoreland has instructed Army base commanders to avoid make-work assignments and to make greater efforts to understand the differing social mores of today's youth. We concur with General Westmoreland's instruction and recommend further that greater efforts be made to explain the reasons for the importance of military missions to the enlisted men. We urge that the Department of Defense continually review its Domestic Action program of work for a peacetime Army.

Surveys have shown that the educational and training benefits offered by the Armed Services are powerful recruitment incentives. Military training opportunities are, however, limited by the size and shape of the Armed Forces. For example, it would obviously be wasteful to train twice as many auto mechanics as there are jobs for them. Two relatively low-cost policies, however, could enhance the value of military training, thereby increasing the attraction of this recruiting incentive. First, the recruit could be informed about the relationship between specific military training courses and later civilian jobs; specifically, how many and what types of civilian jobs utilize skills that can be acquired from a particular training course. Second, the Armed Services could solicit the cooperation of union apprenticeship programs and employers to determine if minor modifications in military course curricula could achieve greater transferability to later civilian jobs. Under existing Department of Defense programs, a soldier, while in service, can complete his high school education, earn credits toward a college degree, and, at some bases, enroll in adult education courses. A small number of enlisted men, mainly in the Navy, are sent to college at Service expense in return for a longer obligated term. We recommend an expansion of such in-service educational programs, especially those that enable enlisted men to qualify for officer ranks.

The men in the Armed Forces constitute one of the Nation's most mobile populations and accounted for 4.5 million moves of persons and belongings in 1968. Although the rotation of men to overseas bases is a necessary part of military life, the real and psychic costs of these moves are high, and become nearly intolerable when moves are frequent and unpredictable. In addition to the rigors of the moves themselves, many U.S. servicemen are further subjected to below-standard living conditions overseas, as shown in a recent television documentary on the appalling conditions of housing for U.S. personnel in Germany. Some of our men were not provided sufficient funds to move their families, and were consequently forced to live in quarters grossly unfit for them. They clearly deserve better treatment. Accordingly, we recommend that travel allowances for the movement of their families and belongings be set at sufficiently high levels to insure that servicemen suffer no financial loss from moving their families. We further urge that a study be directed to develop more equitable rotation policies that maintain military effectiveness while minimizing the disruptive effects on the serviceman's family life.

It is generally agreed that the housing available to military personnel is inadequate and investments in more and better housing will enhance the attractiveness of service life. The needed improvements in base housing should be made irrespective of the extension or termination of the draft. We concur with the Administration recommendations under Project Volunteer that would appropriate 68 million dollars in fiscal year 1972 for much needed improvements in housing. We urge that the first consideration in this

area should be the improvement of bachelor quarters for enlisted men. Many servicemen, however, live off-base, and to the extent that their pay is below civilian wages (as it is for first-term enlisted men), they cannot afford to rent adequate quarters. The adoption of our pay recommendations would raise military pay (including quarters and subsistence allowances) to comparable civilian wages, thereby alleviating the housing problem for those who live off-base. Housing costs are, however, not the same in all areas and the military pay structure should include provisions for regional cost-of-living differentials.

Under the draft, the military has used uniformed men for such chores as KP, garbage collection, chauffeur duty, and grass-cutting. The more challenging aspects of military service are thus denied to the men assigned to these non-military tasks. Hiring civilians for these jobs will not be as expensive and will reduce the requirements for uniformed personnel that must be met by an all-volunteer force. Other positions in the active duty force structure that are presently staffed by servicemen could be equally well filled by civilians at overall lower costs and with no loss in defense capability. Clerks, typists, drivers, doctors, and supply-handlers exemplify some of the positions that could be transferred to civilians.

The potential for civilian substitutions is limited to the extent that a certain number of jobs that can be filled by Servicemen returning from overseas bases and sea duty assignments must be retained. We must, however, carefully examine our military manpower requirements and shift the unessential non-military jobs to civilians if the Armed Forces are to offer stimulating and challenging career opportunities. We are encouraged by the recent changes in management practices initiated by Project Volunteer and urge that they be continued and expanded to incorporate the proposals recommended in our report.

The standby draft registration authority

A plan for the transition to an all-volunteer force must include provisions not only for the policies that must be adopted during the one-year extension of the draft, but also for machinery to cope with any contingencies that might arise after the draft authority expires on June 30, 1972. We have already recommended that the 1971 draft law explicitly enunciate a commitment to voluntarism when the draft authority ends at the termination of the one year transition period, and have also endorsed the Department of Defense policy that the Reserves and Guards will supply the manpower for temporary expansions of the active duty forces, thereby assuring flexibility in our defense capability.

Finally, however, we must provide for the national security in the event of a contingency of such an extreme that we are unable to muster sufficient force levels through either voluntarism or activation of the Reserves and Guards. (It should be noted, however, that throughout our history, the American people have responded quickly and voluntarily to situations which they viewed as endangering our national security.) Towards this end, we recommend the establishment of a standby draft registration authority that lacks the power to conscript except by a joint resolution of Congress upon the recommendation of the President. Under this standby draft registration all youths reaching the age of 18 will be required by law to register with their local draft boards and to keep their local boards informed of any changes of address, employment, marital status, and health.

The present Selective Service System organization of 4,092 local boards and individual files could be streamlined by reducing the number of local boards, simplifying the ex-

isting draft classification system, and moving to a computerized system of data storage, thereby reducing the administrative costs of registration and updating of records for the new Selective Service System. In the event of a clear danger to our national security that cannot be handled by the all-volunteer active and reserve forces, Congress could pass a joint resolution to re-establish the induction authority that can then turn to the Selective Service machinery of registration and preliminary classification for a rapid manpower mobilization.

We firmly believe that a sharp distinction must be drawn between the present draft authority that grants to the President the power to draft, and our standby draft registration authority that lacks the power to conscript without Congressional approval. No spokesmen have clarified the Project Volunteer position on the specifics of a standby draft once they achieve the goal of zero draft calls. The Administration has been equally vague about control over the power to draft—should it reside with the Executive as it now does or should it be held by the Congress as it would under our proposal?

Some of our task force members opposed even this residual authority and argued that it still imposes compulsion on youth, and would make it easier to reintroduce the induction authority. After considerable debate, a majority of the task force members agreed that nothing could be allowed to compromise the national security. The standby draft registration authority gives the Nation a safeguard to protect it against a major threat. We believe that an all-volunteer force staffed by men who are paid a living wage and backed by a truly Ready Reserve provides us with a wide range of defense capability. The standby draft registration authority constitutes the second line of defense by retaining the necessary machinery to call up large numbers of young men if they are needed to meet a major crisis. Our recommendation thus places the responsibility in the hands of Congress to legislate any reestablishment of the induction authority.

Summary of recommendations

The plan for the transition to an all-volunteer Armed Force that is recommended by our task force must include at least a minimum of the following provisions:

1. That the Military Selective Service Act of 1971 will (a) endorse the principle that an all-volunteer system of military manpower procurement is the only fair and impartial means of raising our Armed Forces, (b) extend the draft authority as amended by our recommendations on draft reforms for one year, to June 30, 1972, and (c) establish the standby draft registration authority to become effective on July 1, 1972.
2. That funds be appropriated to raise the military pay of first-term enlisted men and officers to levels that are competitive with civilian wages. The regular pay of a recruit (including the value of his room and board) should be raised to \$444 per month.
3. That the structure of military pay be revised to establish pay differentials for first-term enlisted men who bring civilian skills to the military service, who volunteer for occupational specialties suffering manpower shortages, or who commit themselves to longer terms of service.
4. That the recruiting organization be modernized; authorized recruiter strengths expanded to produce the required number of volunteers; recruiters be provided with petty cash funds and made eligible for higher rates of proficiency pay; and recruitment and advertising budgets be increased.
5. That ROTC scholarships be increased to an annual rate equal to 10 per cent of the authorized non-medical officer strength with increases beginning in September 1, 1971.
6. That the comprehensive medical scho-

larship program recommended by the administration be adopted. Under this program, the Department of Defense would award 2,000 medical scholarships with annual stipends of about \$10,000 a year for an obligation of one year of military service for each year of scholarship support.

7. That funds be appropriated to procure modern weapons and equipment for the Reserve and Guard forces.

8. That summer training exercises of reserve units be conducted jointly with units of the active duty forces stationed at overseas bases.

We are of the opinion that adoption of these recommendations, some of which have already been initiated under Project Volunteer, will bring forth the necessary numbers of true volunteers to staff an all-volunteer Armed Force and will achieve the long-awaited end to the draft by June 30, 1972.

V. NATIONAL SERVICE

There can be little doubt that the United States is in the midst of a depression of national spirit. As Cornell University's Andrew Hacker recently observed, "We have become a loose aggregation of private persons who give higher priority to our personal pleasures than to collective endeavors. Americans no longer display that spirit which transforms a people into a citizenry and turns territory into a nation." We are now a Nation which fears its cities, despoils its land, and poisons its air and water. And we are a Nation which distrusts and isolates its young.

All this can and must be reversed.

American youth have been called to service before, usually in times of war, and have performed well. We, the youth of America, now offer our services for the purposes of peace, for a vigorous campaign against the multiple social problems that have drained our country's spirits and robbed her of her common purpose.

Nothing could be more timely than a call to youth. Repeated polls show that two-thirds or more of American youth seek an opportunity to serve the Nation and the world. Previously, there was little opportunity to put this willingness to the test. Now there is.

The call to youth must be a call to national service, an invitation to help this Nation create a more progressive educational system, to meet our needs in family and health services, to fight poverty and crime, to revive the planning and restoration of our cities and our total environment, and to help solve so many other unmet problems. This service can be part of a new form of education which breaks the barriers that have separated school from society—education which helps the young learn the functions of society by helping solve its problems.

There are those who advocate a program of universal national service, a kind of peaceful draft in which everyone would serve his country for two years as a civilian alternative to military service. They see this universal national service as a way to overcome the inequities of the draft, under which some serve while others do not. These advocates also look back with nostalgia to times when common national purpose meant mobilization for war or against economic disaster.

But compulsory service of any kind has no place in this society except in times of clear and pressing threat to the Nation's existence. Compulsory service, whether military or civil in nature, is contrary to the principles on which the United States was founded.

The arguments against such service are persuasive. The American Friends Service Committee, in its book, *The Draft?*, concludes:

"It is wrong to attempt to resolve the injustices of the Selective Service System by establishing a second system that would duplicate the injustices of the first; to argue that a national service system could be the

extension of compulsory education ignores the fact that the state's right to require young adults to attend school is not established."

The President's Commission on Campus Unrest (Scranton Commission) took a similar position:

"Whether in the form of pilot projects or a full-scale program, national service should be voluntary, and not, as some have proposed before this Commission and elsewhere, compulsory. In addition to its enormous cost, a compulsory national service program would be an unwarranted infringement on individual freedom of choice. Nor should national service be considered as a method for reforming or replacing the draft. Proposals to make civilian service available as an alternative to the draft fail to resolve compelling problems of equity that plague any attempt to compare civilian programs with military service.

"Participation in a national service program will not be an acceptable or practical alternative for all young people who do not want to attend college. Direct Federal sponsorship limits the activities of voluntary service programs, and of volunteers participating in them. Existing Federal volunteer programs—VISTA, the Peace Corps, and the Teacher Corps—will continue to attract substantial numbers of young people. These programs should be expanded if that is necessary to permit more qualified volunteers to serve, but the purposes of these programs should not be changed merely to suit the volunteer's preferences. Many young people interested in serving society will prefer to do so in some other way.

"Some might be more attracted to programs in which the Federal role was less direct or obtrusive, limited perhaps to providing financial assistance or to establishing a central clearinghouse for volunteer placement. The feasibility of such a Federal role should be studied."

Youth increasingly reject Big Government enterprise, the impersonality and inequity of a draft, the insolence of office, preferring universal civic service no more than universal military service. And compulsory national service would never be a workable alternative to the draft. There is growing difficulty in finding uses for unwilling soldiers. It would be far more difficult to find proper work for unwilling civilian conscripts. Labor gangs or other forms of involuntary servitude would hardly develop qualities of citizenship which would make this a better Nation. Further, the devices whereby the affluent and well-advised now find ways to escape the draft would likely be used as well to avoid a compulsory civilian service. Thus, rather than correcting the inequities of the draft, compulsory national service would compound them.

There is also the danger that universal national service would be an excuse to form another massive federal program. It must not be a super VISTA or a Jumbo Job Corps; nor can it be some updated form of the Civilian Conservation Corps camps of the Depression era. The cost would be staggering—about \$20 billion a year for the estimated 4 million young men and women between 17 and 21 who would be expected to serve for two-year periods.

Furthermore, there is evidence that this approach would not only be costly but disastrous, radicalizing young people whose expectations of accomplishment would remain unsatisfied. The experience of recent years has demonstrated that Federally directed programs of even modest size have difficulty in matching the young to appropriate jobs and in providing adequate training and supervision.

Finally, it is doubtful that there are enough suitable full-time jobs for all those who might apply, and this would lead to

the unfortunate necessity for either make-work jobs or for a lottery.

If national service is to work, it must be non-compulsory and it must earn its own way as a new form of education, as a source of voluntary service in areas of need, and, hopefully, as a means of accelerating necessary social change. Such programs are already well under way—programs of service-learning which link school and community.

Colleges and universities have led this movement, adopting work study or cooperative education programs in which students work for a time, then return for more study. More recently, secondary schools have begun to adopt comparable intermittent or part-time work programs which complement school study. But the number of part-time paid jobs in work-study programs is limited, whereas the number of service jobs for young people, in public and private agencies, is practically unlimited, particularly when the task of helping educate one another is included. But whether the program is paid work-study or unpaid service-learning, the objectives and the processes are much the same. The student's work or service is considered as much a part of his formal education as are his studies in school or college. He earns academic credit for what he learns.

In a typical case, the student and his teacher or adviser agree on a program of learning, what is to be learned by his work or service, and by what criteria his success will be measured. They agree on a work-study or service-learning program which will complement his formal studies and may help him decide on a career.

In Vermont's DUO program, for instance, high school students, with the help of a teacher or adviser, contract for learning during a semester or more in which they leave school for paid jobs or for non-paid service as hospital para-professionals, parole officer assistants and the like. In New Orleans, students receive academic credit and are paid for part-time work with the Community Relations Divisions of the Police and Fire Departments, as supervisors in day camps, and as pre-trial interviews in a juvenile courts project.

In a number of other programs throughout American, youngsters are tutoring each other in and after school; high school and college youth are helping to start and manage these tutoring programs. Similarly, Urban Corps programs now enlist some 20,000 college-age youth in part-time work in over 60 cities. And thousands more spend two to 20 hours a week in college volunteer projects modeled after that of Michigan State University, in which some 10,000 students have served as tutors; as advisers in scouting, YMCA and HI-Y programs; as junior probation officers; and as aides in inner-city schools, health centers or legal service programs. Furthermore, the Michigan State experience indicates that it is not just the white, middle-class young who volunteer; young blacks in comparable numbers have served without pay.

Department of Labor studies and data collected by the private National Service Secretariat indicate that there are service-learning opportunities for millions of young people in education, environment, health service, counter-delinquency programs, and thousands more work-study jobs in the private sector. Many of the techniques for training the young for these jobs and for training the adults and older youth who will administer the programs are well developed.

A major reform in American education is now possible if support can be provided for the trainers and supervisors who will direct service-learning and work-study projects. Many of these people can be volunteers themselves. Projects could begin now, utilizing VISTA or Teacher Corps volunteers who are carefully selected and trained for the job.

A significant portion of the administrative costs of work-study and service-learning projects would be borne by the schools themselves. For service-learning would be a form of education designed to give meaning to regular schooling. Academic credit at all levels, from elementary school through college, would be awarded in recognition of learning which takes place during the service and in preparation for it. Young people would serve from four to 15 hours a week, probably averaging about 10 hours weekly. Others would serve full-time for three to six months at a stretch.

Projects which will further test the service-learning idea will begin this spring for about 2,500 high school and college volunteers who will receive training and supervision under amendments added last year to Teacher Corps legislation. An additional 8,000 to 10,000 volunteers will join the program this summer.

Much testing has already occurred. Federal support has for some time been provided to a number of programs designed to enlist the services of the young in programs which serve international, national, and local interest. The Peace Corps, VISTA, the Teacher Corps, the Neighborhood Youth Corps, the National Study Program and others have all offered youth an opportunity to learn while they serve or work.

But these existing efforts are not enough. They accommodate too few of the young, and, as the experience of the National Student Association Tutorial Centers and of VISTA have indicated, the success of these efforts depends largely on the degree to which youth can train and supervise themselves. The experience of youth programs in the past few years suggests that the young seek freedom from manipulation. They seek an opportunity to help shape their society as well as to serve it. To attract youth and then provide the satisfaction they seek, the programs must be set up to support locally designed plans which call not only for service, but also for improvement in the operation of our institutions—plans which the young themselves help develop along with other members of the communities to be served. A Volunteer Service Corps, such as that suggested by the President in his speech to the University of Nebraska student body on January 14, 1971, could give youth a more effective voice in determining policies and programs for these activities.

Will youth be attracted to such programs? Can they play an effective role first in serving, then in shaping our society? Or are they increasingly turned off—victims to a "new sensibility" whereby, according to Harvard Professor Daniel Bell, a cult of experience "exposes everything to attack; authority, because no man is better than any other; and the past, because learning tells us nothing."

The recent experience of the Teacher Corps would argue that even the more dubious of the young seek to serve our society if they can play an effective and perhaps even an essential role in the revitalization of our institutions. This can be achieved, provided that the institutions in which youth serve truly seek revitalization and have a plan for its achievement. For example, where educational reform is sought, a plan can be developed jointly by a school system and a nearby university in collaboration with community groups and student representatives. The young who volunteer for service in such a project must see that they can be effective in helping to carry out the plans and also that they will benefit personally from the experience. The reason the young may be essential to a process of institutional revitalization is that local plans often depend for success on someone who serves as a "change agent," someone with charisma and zeal, someone who is not afraid of being fired, someone who, with help from the top, can

cut through layers of bureaucracy, stir things up, and get consideration for new ideas. A temporary program which combines local professionalism with a cadre of young people carefully selected and trained for the job appears to provide, in the aggregate, the qualities looked for, but infrequently found, in an individual change agent. Thus, in a plan for the adoption of work-study or service-learning by a school system or community, a group of young people may find it easier than a teacher or middle-level bureaucrat to obtain the cooperation of the business community, to get a hearing from the mayor or the school superintendent, to stimulate newspaper stories and TV appearances. They may not play a dominant role in the development of the local plan, but they can perform a key role in shaping it and share major responsibility for making it work.

Later, as they assume greater responsibility in their communities, these early experiences will serve them well as members of school boards, associations of commerce, and other community groups, and especially as parents.

In essence, it is not a Federally dominated youth program which is called for but a new process of education, a process which calls upon capable young people to help link the schools with the world around—a process designed to encourage the young to inquire, to find confidence in themselves, to help them forge their own values and lead them to the acquisition of habits of learning and serving by which they will continue to grow.

Federal programs can help launch the process. It must then be taken up by local schools and communities.

The task force on the Draft, National Service and Alternatives, therefore, makes the following recommendations:

1. That the White House Conference on Youth reject national service as an alternative to the draft and endorse work-study and service-learning as a necessary reform in American education.
2. That the White House Conference on Youth endorse the creation of Volunteer Service Corps which would assist with the initial development and administration of service-learning programs, provided that the young people who serve in such programs share in establishing agency policy and in the development, administration, and evaluation of local projects.
3. That the President call for appropriations under existing legislation sufficient to provide training for approximately 200,000 volunteers and volunteer supervisors in order to test, over a two-year period, the feasibility of greater Federal assistance to locally designed and administered programs of work-study and service-learning. There should be several projects during this period with sufficient concentration of volunteers to test the ability of the projects to provide solutions to local problems such as delinquency, health services training and delivery, early childhood education, or comparable needs.
4. That, for the purposes of this two-year test program, VISTA and the Teacher Corps join forces in a task force under the directorship of the Director of the Office of Economic Opportunity or the Director of the Volunteer Service Corps, and that these agencies collaborate with other Federally supported programs, notably the President's Council on Youth Opportunity, the College Work-Study program, the Neighborhood Youth Corps, and local Volunteer Action Centers, to help launch programs designed to be taken over completely by local groups.
5. That the Director of the Office of Economic Opportunity or the Director of the Volunteer Service Corps undertake a program of research and evaluation to begin at the start of the above-mentioned two-year trial program on June 30, 1971, and submit his recommendations regarding the feasibility

of expanding Federal support for work-study and service-learning programs by June 30, 1973.

THE BATTLEFIELD SHIFTS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHMITZ. Mr. Speaker, T. E. Lawrence—Lawrence of Arabia—wrote:

We had also to arrange the minds of the enemy, so far as we could reach them; then those other minds of the nations supporting us behind the firing line, since more than half the battle passed in the back; then the minds of the enemy nation awaiting the verdict; and of the neutrals looking on; circle beyond circle.

As the monsoon season approaches in Southeast Asia, bringing with it a partial respite from Communist attack for the people in that besieged area of the world, the Spring Offensive in the United States has begun.

Commencing April 24 with a large demonstration and carrying on through May 5, when the Congress of the United States is supposed to be surrounded and kept in session until it meets the demands of the North Vietnamese Politburo, the city of Washington, D.C. will be the main battleground in the Communist drive to conquer Southeast Asia.

As the antifreedom movement, against freedom for the people of South Vietnam that is, has evolved over the years since the United States went to the defense of a small Asian ally, the Communist leadership and control of the movement has become more and more open.

The Chairman of the House Committee on Internal Security, Hon. RICHARD H. ICHORD, reported to the Congress in a speech on the floor of the House 3 weeks ago that:

The National Peace Action Coalition—NPAC—and the People Coalition for Peace and Justice—PCPJ—both of which are known to be operating under substantial Communist influence, are the two major organizations taking part in these forthcoming demonstrations. The immediate objective of the demonstration is, of course, to force a complete withdrawal of U.S. forces from Southeast Asia. The real objective of the leadership is not peace, but the humiliation of the United States, the promotion of a Communist takeover in Southeast Asia, and the general advancement of world communism.

Actually the so-called peace movement has been making no great effort to conceal where its sympathies lie. A case in point is the "Peoples Peace Treaty" brought back to the United States by representatives of the National Student Association upon their recent return from a visit to North Vietnam. This is the document which the Congress is supposed to ratify on May 5. Interestingly enough it coincides in all substantial points with the position advanced by the North Vietnamese Politburo and their front group at the Paris talks.

The substance of these ridiculous demands is that if the United States agrees to an immediate and total retreat from

Southeast Asia, imposing a certain type of coalition government on South Vietnam on its way out, then the Communists will begin discussing the return of the American servicemen whom they are holding prisoner.

President Nixon has rightly characterized the enemy's coalition plan, in which they get to select one-third of the new government and have veto power over the other two-thirds, as "a formula for a guaranteed political takeover."

While the President rightly denounces the enemy proposals, the Department of Health, Education, and Welfare is having its facilities used for something known as the "Indochinese Film Festival." This is a series of North Vietnamese Communist propaganda films intermixed with referendums, rallies, and talks by individuals such as Rennie Davis who is currently appealing his conviction for crossing State lines to incite a riot at the 1968 Democratic Convention.

These activities within the Department of Health, Education, and Welfare, a mammoth consumer of Federal funds whose expenditures by 1973 are expected to run higher than those of the Department of Defense, are being conducted by two employee groups known as the HEW action project and the Thursday Discussion Group. It is bad enough that people of this type are employed by the Federal Government, and it is an absolute outrage that they are allowed the use of Federal facilities to openly disseminate the propaganda of an enemy responsible for the deaths of close to 45,000 Americans.

The last large "peace" demonstration in Washington, which took place in November of 1969, cost the taxpayer approximately \$1,750,000 in damage to government property, and left hundreds injured. What the costs of this successor campaign will be in terms of both dollars and injuries no one can foretell. It can be stated, however, that all those who have lent their names and support to these demonstrations, no matter how many pious disclaimers are issued against the violence which is sure to occur, must bear a portion of the responsibility for what does, in fact, take place.

It is extremely unsettling to see men who are considered serious aspirants for the Presidency, for the position of Commander in Chief, lending their support to these activities organized to advance the cause of the North Vietnamese Communists.

FREEDOM OF CHOICE FOR FEDERAL EMPLOYEES

Freedom of association received a boost recently with the introduction of H.R. 2569, the "Federal Employee Freedom of Choice Act of 1971." The purpose of this legislation, as outlined in section I of the bill, is to assure that "Each employee of the Federal Government shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

The second section of the bill clearly prohibits joining a union which "asserts the right to strike against the Government of the United States or any agency

thereof," or assisting or participating in any such strike. Strikes of this kind are illegal under present U.S. law. The bill also prohibits joining any organization which "advocates the overthrow of the constitutional form of government in the United States."

The bill is designed to establish, in the law, protection of Federal employees against the abuses of compulsory unionism. In other words, any Federal worker will be free to join or not to join a union—and this will have no bearing on his condition of employment with the Government. The legislation will avoid "agency shops" and will eliminate the hazard posed by the threat of crippling strikes at our highest level of Government.

Although this right exists at the moment, it is subject to change by Executive order—at the whim of the President. President Kennedy temporarily insured voluntary unionism for Federal employees by Executive order in 1961. President Nixon reaffirmed this policy with Executive Order No. 11491 in October of 1969. Nevertheless, until this basic freedom is codified in the law of the land by Congress, the assurance of voluntarism for Federal employees is subject to change at any time.

Voluntary labor-management relations have a strong basis in the tradition of our country. Nineteen States presently have "right-to-work" laws and the Congress recognized the right last year when the House decisively rejected compulsory union membership for postal workers. Postal workers represent 25 percent of the Federal work force, and I feel it is time to extend these permanent "right-to-work" guarantees to the other 75 percent of our Federal employees.

Another indication of widespread support for this legislation is the fact that the 25 Congressmen who have joined me in cosponsorship of the bill represent the maximum number of cosponsors allowed under House rules. Additionally, the Republican Party platform of 1968 unequivocally pledges "right-to-work" protection for Federal employees. President Nixon, as a candidate, made it clear that he intended to propose legislation to "recognize the right of a Federal employee to join an employee organization if he chooses to do so."

Considering the kind of support which has been indicated for the bill, I have high hopes that this session of Congress will see its enactment. To deny such protection to our Federal employees, to subject them to the vicissitudes of compulsory unionism, would be to slap the principles of freedom and voluntarism, on which this Nation was founded, squarely in the face.

THE UNITED STATES IN SPACE—
A SURVEY

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. FREY. Mr. Speaker, within a very few weeks, my colleagues will be asked

to consider the NASA Authorization bill for fiscal year 1972. The Science and Astronautics Committee, in drawing up this bill, has based its final recommendation upon some 2,500 pages of testimony delivered by more than 26 expert witnesses in addition to field trips by Members and staff.

Past hearings of the committee have revealed that this country enjoyed a superiority in space which dates back almost to the very initiation of our space program. The many firsts the United States has recorded have so far outpaced the accomplishments of the other members of the international space community that this Nation has virtually taken for granted our preeminence in the field. I sometimes fear that we have progressed so far so fast that we will lose interest in the challenge and dedication to the cause. An injection of reality might be the precise solution—an injection similar to that which the foremost experts in space provided the Committee this year.

For the past 2 months, the committee heard a story of far different substance than the stunning successes of our lunar exploits. The testimony we were presented told of a public disenchanted with space, a space agency with a minimal and declining budget, and a nation headed for the day in which it will no longer be first. The emphasis was no longer a story of achievements; the message was more an indication of an intended retreat.

I, for one, cannot minimize the tragic shortsightedness in reducing the pace of our space activity. We now appear to be turning our back on a field of endeavor which has contributed as much to the economic growth, progress and welfare of our Nation as any other single element of activity. The space program is a positive program and can and should exist side by side with other positive programs aimed at curing the country's ills. I respect the opinion of those who want to further cut or totally abandon the space program. However, I feel that their opinion is based on a lack of information and understanding.

My hope, therefore, is to provide the other Members of this Congress the unique insight afforded me by my participation on the Science and Astronautics Committee. I do this as a means not only to express my concern to my colleagues, but as one measure by which to reverse this downturn in our space effort. What I intend to do is to include a series of articles in the RECORD over the next few weeks which will examine and explore our U.S. space program in order to provide a backdrop for the fiscal year 1972 NASA Authorization bill. As an integral part of the discussion, the various aspects of international cooperation in space as well as the technological benefits which we have enjoyed from our expenditures on space programs will be emphasized. Finally, I will offer my thoughts as to the status of our space program today and tomorrow and the nature of the support which must be provided in order to insure this country's continued leadership.

By way of brief introduction, my primary concern over this Nation's budget reduction for space stems from two

causes. The first is the \$38 billion this country has invested in space over the past decade. The experiments we have performed, the technology and techniques we have perfected can now be transformed into operational cost-saving, labor-saving, in fact, life-saving systems. In essence, we have the opportunity to turn from the experimental and exploratory use of space to the everyday, operational use of space. Within the framework of our space program, this Nation's taxpayers have funded the development of over 10,000 new products—a number which is growing exponentially with each passing day. Yet, this is only the most meager indication of the ultimate benefits of our work in this field. While the benefits of today are measured in terms of microminiaturized television sets and sharper dental X-rays, the dimensions of the next generation of benefits are telephone communications at one-tenth today's cost, the elimination of the mid-air aircraft crash, the accurate prediction of weather days in advance, of location of valuable earth resources and the detection of pollution sources. My concern is thus one of the American people failing to capitalize on technology a decade in the development—technology leading to a better tomorrow.

Finally, I am troubled by the many exploits and the sharply increased activity in space by our many international neighbors. The Soviet Union is the most obvious example.

Whether the race in space is contrived or real, meaningful comparisons can be made. The United States has enjoyed approximately 42 space "firsts;" the Soviet Union 31. Such numbers are important because they provide a measure of the relative state of technology in each country. But there are other comparisons. While we contemplate a domestic United States communication satellite system, the Russians have been offering such service for more than 6 years. While we plan to send unmanned missions to Mars in 1975, the Russians are expected to do so in 1973. While we are building hardware for an orbiting laboratory, the Russians are flying an operational system.

Although the achievements of the Soviets tend to be less publicized and less dramatic to the public, our experts on space spare no compliments at the duration of Russian manned flights and the sophistication of their space hardware. But my distress is not the result of present status—rather the developing trend.

Our space program reached a peak in 1966 in terms of both dollars spent and manpower engaged. Since then the United States budget has been halved. The manpower has been cut from 420,000 to less than 145,000. In contrast, the Russian program has yet to peak. Russia now spends more than 2 percent of its GNP on space compared to a U.S. rate of 1 percent. In 1970, the Soviets launched 88 spacecraft, manned and unmanned. The United States launched 36. This country launched twice the Russian rate in the mid-1960's. The Nation's decreasing emphasis; the Soviet's increasing emphasis will lead inevitably to a decline in U.S. influence in space. If permitted to con-

tinue, the world can anticipate no less than a major shift in the balance of global power.

The same Congress which dedicated itself to placing a man on the moon in the 1960's now faces the challenge of redefining the role of the space program for the 1970's. It is our decision—a decision calling for our most thorough and knowledgeable judgment. To proceed too fast is to waste dollars we urgently need elsewhere. To proceed too slow is to waste our fiscal, human, and technological resources and to throw away the opportunity to improve the quality of life on earth.

I look forward to your joining with me during the next few weeks in gaining a fuller understanding and appreciation of the United States in space.

REPUBLICAN TASK FORCE ON EDUCATION AND TRAINING MEETS WITH JOHN MACY, CORPORATION FOR PUBLIC BROADCASTING

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HANSEN of Idaho. Mr. Speaker, the House Republican Task Force on Education and Training has undertaken a study of public and educational television. We feel that public broadcasting has a tremendous potential for education—too important to be overlooked. Individuals can avail themselves of opportunities to learn in both a classroom environment as well as in their homes through television programs aimed directly at teaching and through programs which give information through a more indirect approach.

As one of our first activities, we invited John Macy, president of the Corporation for Public Broadcasting to meet with the task force. I would like to share his remarks at that occasion with my colleagues and place in the Record the minutes of that meeting, together with a memorandum describing the Corporation's plans for educational programming and the text of a speech made by John Macy recently:

RECORD OF BREAKFAST MEETING, JOHN MACY, JR., SPEAKER, APRIL 20, 1971

Guests: John W. Macy, Jr., President, Corporation for Public Broadcasting; George Linn, Director of Legislative Affairs, CPB; Bill Duke, Director of Public Affairs, CPB.

Members present: Orval Hansen, Clarence Brown, Bill Frenzel, James Hastings, Margaret Heckler, Walter Powell, William Whitehurst.

Staff attending: Steve Adams—staff of Robert Michel, M.C.; Connie Borkenhagen—staff of William Steiger, M.C.; Dan Denning—staff of John Myers, M.C.; Keith Hall—staff of Albert Quie, M.C.; Nancy Heim—staff of John Dellenback, M.C.; Dave Martin—staff of Earl Ruth, M.C.; John Simpson—staff of Charlotte Reid, M.C.; Don Wolfensburger—staff of John Anderson; Martha Phillips—Director, House Republican Research Committee; Jim Mann—Director, House Republican Conference; Rhonda Butterfield—staff of Republican Research Committee.

Mr. John W. Macy, Jr., President of the

Corporation for Public Broadcasting, was introduced by Task Force Chairman Orval Hansen.

MACY. The Corporation was created by Congress in 1967 to provide national leadership in the development and growth of a system of public television and radio across the country. This act recognized that this mode of broadcasting could supplement the existing commercial broadcasting in assisting education and public service nationally. There were already in existence at that time over 100 educational television stations, and the pattern of growth continued—more and more communities sought licenses primarily to support the delivery of television programs into the classroom as a part of the educational enrichment across the country.

Prior to the creation of the Corporation, most of the national support had come from private foundations, particularly the Ford Foundation. In 1967, it was believed to be desirable to create a new and different institution that would provide this national leadership. A non-profit corporation, chartered in the District of Columbia, was created; insulated from the federal government in the development of programming for broadcasting. This insulation would also permit the use of private funds in the total system. The system as it stands today includes 203 television stations existing in all of the states except Montana and Wyoming. It includes some 400 radio stations, however, all but one hundred are of very low power and limited utilization, so there are for all practical purposes 100 qualified full-service stations that constitute public broadcasting today.

During the past two years, we have achieved the interconnection of the public television stations under the direction of another entity called the Public Broadcasting Service, which manages the interconnection and schedules the national programming that is made available over that network. In conjunction with this, we have invested funds in national programming that is prepared by eight different production centers, and all but one are associated with one of these public television stations. The one exception is the Children's Television Workshop, the producers of "Sesame Street," and this fall, producers of a half-hour reading show primarily beamed at those developing reading skills at the second grade level, but presumably it will be helpful for those who have reading difficulties at other ages as well.

Regarding public radio, starting the 3rd of May, there will be the interconnection of 100 full-service radio stations through an organization called National Public Radio, also funded by the Corporation for Public Broadcasting. That organization will produce 90 minutes a day of programming that can be fed to those stations. Presumably, that program provision will be expanded at a later date.

The Corporation is governed by a Board of Directors of fifteen, each having six-year terms, five of them rotating every two years. Presently, the chairman of the board is Frank Pace, Jr., who has been chairman since the board was initially appointed in 1968. The forward thrust of the Corporation is not only to develop these national services in the form of interconnection and programming, but also to reinforce the capability of the local station to serve the community to which it is licensed, so that our concern is not exclusively to provide programming from eight production sources, but to permit the station to augment its funding in such a way as to render a larger service to the school system and to its community. It is our objective to increase the level of funding for those particular stations as they come on the air and endeavor to serve the needs of their particular community.

Our primary objectives in the future are to secure a higher coverage of the entire population of the country. We now have the potential through the existing stations to reach about 75% of the television households in the country. We are in the process of determining the number of additional stations to raise that up to 90% or 95%. But clearly, we want to make available this service to those desiring it at the local level. The FCC makes the final decision as to whether any station goes on the air, but those in the community can indicate their willingness to receive local public broadcasting. It is our purpose to try to assist communities where stations do not exist and where a need has been established, to go through the process of obtaining a license.

We're also in the process of studying the future impact of the evolving technology on this particular system, and I know this is of particular interest to your committee. Our concerns are addressed really to three basic areas of technology at the present time.

One of immediate importance and impact is the whole matter of CATV and the utilization of the increased channel capacity that will be made available by CATV. The presence of 20, 40, or even 80 channels through such systems opens up the possibility of a greater flexibility in public service programming. One of the limitations on television at the present time is that there is but a single channel in most communities. This means that it is necessary to be very selective as to the educational services that are provided to the schools during the day. If there were increased numbers of channels, there could be increased programming.

Second is the whole matter of the domestic satellite system. At the present time, the Corporation is very much involved in reviewing the applications from several different organizations to the FCC in support of a domestic satellite system. We feel that at our particular stage of development, satellite delivery can constitute a particular beneficial means of distributing our program. We do not have the fixed system as yet in terrestrial lines through the telephone company although we're in the process of trying to secure that. We're looking ahead with the planners on the satellite system to determine exactly what our future utilization can be.

The third area is that of the video cassette. The belief is that a video cassette, which is really a recording of a video program, can achieve a high utilization, particularly in the classroom service. This will make it possible for the teacher to use a particular program to illustrate points at his or her convenience and timing.

The objective of the Corporation is education in a broad sense of the word—learning in the home as well as in the classroom by extending the learning environment. "Our objective is to provide diversified programming." There is no reason why education cannot be entertaining as well as educational, as Sesame Street has proven so well.

We have a number of proposals:

(1) Preparation for the high school equivalency test (GED)—there are 60 million American adults without a high school diploma. Perhaps the visual medium can be a particular means for preparing these people to take high school equivalency exams.

(2) Education on issues that tend to fall outside the regular curriculum, such as our Drug Abuse program—"The Turned On Crisis"—a series of eight one-hour programs aimed at parents and children, to be viewed together at home; then a series for school teachers and administrators; and thirdly, six programs for use in junior high school classes—all of them interconnected in theme. The Corporation also provides funds for station promotion and community in-

volvement to stimulate local discussions. A curriculum with regard to environmental education is also on the agenda, as are health and nutrition programs.

(3) The Corporation has made an investment with funds in development of higher education off the campus, following the "open university" idea.

The Office of Education is very much interested in moving ahead with programming such as Sesame Street. The Corporation wants to provide a national inventory of programs for school boards to select from.

The central problem is, of course, money. In 1968, \$5 million was allocated the first year (FY 69) of the Corporation's existence, with \$2.5 million from private sources, especially the Carnegie Corporation and CBS. The second year (FY 70) \$15 million was allotted, and the third year, (FY 1971), \$20 million was appropriated, with \$3 million for matching funds of non-federal money, for a total that year of about \$27 million. The most recent authorization was a 2-year authorization for FY 71-72, which provided for \$30 million definitely plus up to \$5 million in matching funds for a total of \$40 million for FY 72.

In 1967, our aim was to achieve long-range financing, eventually reaching our objective of \$100 million annually. We did not secure this, and each year that appropriations and authorizations came under review, we have hoped the administration would make a request for such long-range financing. We would hope that hearings would provide a forum for discussion of appropriate modes of financing.

The Corporation believes there is a great potential for public service—not to compete with commercial broadcasting, but to supplement and extend it. The Corporation can be the means of providing leadership.

HASTINGS. What is your relationship with commercial networks?

MACY. We haven't had any conflict with commercial broadcasters—in fact, CBS has generously contributed to public broadcasting. Their attitude is that Public Broadcasting is filling a spectrum of broadcasting that they cannot cover.

In many cases, Public Broadcasting can be an area of innovation. I have been interested to see some of the techniques (e.g., Sesame Street) picked up by commercial television. The Corporation's objective is not to compete for a whole audience, but to a selective audience.

HECKLER. What about Pay Television?

MACY. The closest thing to pay television will probably be cable tv. It is primarily attractive to viewers because it provides additional programs that won't cut into our audience. Cable tv will extend our audience. It is a very promising potential. We don't want a system where there is inadequate channeling.

HANSEN. I was at the "open university" in England last week and was surprised to learn that they consider broadcasting a minor component to their concept. What relative part do you see broadcasting playing in this country?

MACY. I am hesitant about employing the British prototype because the British purpose was politically quite different from ours—the British were trying to get more people into higher education. The Labor Government wanted to give them a second chance.

Our approach is to work with a number of localities in order to study what the American model should be. Presently, educators in this country are concerned with the continuing investment in construction of facilities and the numbers of students in higher education. This is because if you look at our population statistics, you will see a steady growth in the numbers of potential college students over the next ten years, followed by a period of falling off. So we are interested in finding alternatives. There are certain phases of cur-

riculum that can be handled by the medium and can be received by a large variety and number of students. Ratio, which costs only 10% of TV broadcasting, is another possibility.

But we want to make sure that the investment is not just in the material itself. We must also have a pre-planning and testing operation and a post-production evaluation. This was one of the strengths of Sesame Street, and although we may not find it as easy to quantify the results at the college level, these are nevertheless important components of a program.

BROWN. I am interested in securing written information about the administrative control of local stations.

MACY. Generally speaking, there are four types of administrative governance in public television:

(1) Community stations in major metropolitan areas—there are about 40 of these. The accountable body in this case would be the "leadership community" which initiated and is responsible for the station.

(2) A Board of Regents of trustees of a state or public university is the second type of governance (with the exception of Brigham Young University in Utah, which is the only non-public school participating).

(3) Local, city, or county school boards are also licensed to operate public broadcasting stations.

(4) Separate commissions or authorities created by the state legislature for the purpose of operating public television stations are the final type. This is an increasing trend, and has led to the development of a number of state networks.

BROWN. What about the funding?

MACY. Generally, the funds come two-thirds from state and local sources, while one-third are raised from private sources. These are all independent stations, and decisions are made by the stations on programming. We provide an inventory of programs which are available to the stations, and there is an interplay between the stations and the network in determining their scheduling.

BORKENHAGEN. To what extent is interference from the government a problem?

MACY. There are no strings attached—no interference by the federal government, particularly the executive branch. When the Corporation was first proposed, it was thought by some that public television might become a mouthpiece for the administration. But our stations have been quite free in commenting, and some think that we have been less than sympathetic. On the other hand, we have been called the "Corporation for Patsy Broadcasting" because we have been too accommodating of the administration. So you might say that we are on a tightrope.

The Corporation, however, is not the party that determines the format and content of a particular broadcast. We provide the funding to the producer to develop a program or series on a particular subject—drugs, for example—and then the decisions as to writers, directors, etc. are entirely up to the station that produces the programs.

WOLFENBURGER. If, for example, a local Junior Chamber of Commerce were interested in using "The Turned-On Crisis", could they contact you directly to arrange for it?

MACY. No, they would have to work through their local station. We try to enlist the cooperation of such groups as the JC's, however, in making the programs more effective and in disseminating them throughout the community.

FRENZEL. The Corporation is a free-standing agency?

MACY. Yes, if free-standing means non-profit.

FRENZEL. No, what I mean is that you are insulated from the President by your

Board; and you are insulated from Congress also, if long-range financing is provided.

SIMPSON. What federal programs provide support?

MACY. The Office of Education at the present time is giving program support to the Children's Television Workshop, but no other program support beyond that. But OE has been important in supporting facilities through the Educational Broadcasting Facilities Act. This is a categorical grant program, in the current parlance, which provides funds to individual new stations to assist them in going on the air, or to existing stations to improve their facilities. \$15 million was authorized for last year, and \$11 million was appropriated by the House.

DENNING. The Corporation for Public Broadcasting and the Office of Education are the two principal bankers. We make grants to production centers which are all associated with local stations (except for the Children's Television Workshop). In addition, a number of stations produce programs (primarily intended for local use) out of their own budgets.

POWELL. Once you have the programs, how do you get the listeners, and how do you get the teachers to use educational television in their classes, particularly at the elementary and secondary levels?

MACY. It's not easy. Our educational system is decentralized—there are 24,000 school districts. But we try to assist the stations in their dealings with the school systems, particularly in developing programs. We are not satisfied with the quality of the programming that is being used in the school systems.

A recent study conducted by the Office of Education indicates that three-fourths of the schools have television facilities available.

But we need more promotion of materials, especially the quality products that are not made known to the public. Local origination is terribly important. Also, we hope that more VHF allocations will be made available, so that you won't have to have the fingers of a safecracker to tune in a program.

CORPORATION FOR PUBLIC BROADCASTING,
WASHINGTON, MEMORANDUM

APRIL 7, 1971.

To: House Republican Task Force on Education & Training.

From: John W. Macy, Jr., Corporation for Public Broadcasting.

Subject: Telemedia Education Programming.

In the educational dilemma facing America today, we in the Corporation see a need on many sides for what we propose to call Telemedia Education. This is a process of serving many individuals with the versatile educational tools that now exist. We believe this is a process in which the Corporation must take part. Accordingly, the Corporation has presented the following outline of projects in Telemedia Education to our Board of Directors and to our Advisory Committee of National Organizations.

The recommendations we have proposed to the Board fall into four categories: General Educational Development, the Environment, Health Education, and the External College Degree Program. Over the next three years, we anticipate spending 10 million dollars on a total of twenty-one projects in these categories. The result should be an inventory of more than one hundred and forty hours of TV and radio programs, most of them useful over at least three years.

What, then, should the Corporation do for education over the next three years? First, we propose to put public broadcasting to work on behalf of the seventy-three million Americans over eighteen who have not received a high school diploma. We propose to offer these millions who are of sufficient literacy a way of

preparing for the General Educational Development tests. Today, these are virtually standard through the 50 states and the territories, and last year, some three hundred and twenty thousand took them. I predict that by the spring of 1974, public broadcasting will be helping more than one million individuals to prepare for those exams.

The tests are administered nationally by "CASE", the Commission on Accreditation of Service Experiences, part of the American Council on Education. They tell us that sixty-two percent take the test for job improvement, thirty-five percent for advanced training or education, and three percent for their own satisfaction.

In G-E-D, they test for comprehension in five basic areas: Math, Natural Sciences, Social Studies, Literature and Expression, or Grammar.

I propose that the Corporation initiate and then manage the creation of top-quality broadcast and printed materials to educate Americans for those five tests. I see these steps:

First, I would want our own staff to review the standards, the slight variations between States, the testing procedures, the different ways the States manage G-E-D, and the materials and methods already in use.

Second, as soon as practicable, we would form a small Advisory Committee: several key academicians, representatives of public broadcasting, and creative and audience research specialists.

Third, we would study the potential students. We need to know so much about who they are. Not the least important question mark is what it will take to motivate them to return to semi-formal education.

Fourth, we would intensify discussions with certain public TV agencies about producing parts of the total course. In this connection we discerned that three agencies in Kentucky, Nebraska, and South Carolina have had plans of their own to produce a new G-E-D broadcast series. Our staff has already met with the General Managers of these agencies and determined that there is a very ready willingness among all of them to merge their interests into a national project managed by the Corporation.

Fifth, a meticulous process of curriculum design must be started. It is entirely possible that Reading Comprehension is the one area out of all five that we should stress. But this would be a decision for the capable academicians we hope to involve in the project. By working with several production agencies, we would expect to have three of the five potential courses in the studio by one-year from now. We would target them for completion by December, 1972, along with the ancillary materials. Then, the final two strands could be completed by September, 1973.

The one characteristic that all of these courses must have is top quality. Whether we are contributing to an individual's personal growth or helping him toward a better job, we must do everything our resources permit to deserve and hold his attention.

We believe there is a very natural link between G-E-D and the current, extensive need for vocational education. So we would propose that the Corporation initiate one experimental series in vocational education. This certainly is not undiscovered land for public broadcasters. Just as one example, the South Carolina ETV Center has at least fourteen vocational ed projects in the works or in prospect at this time, everything from training car-wash operators to fork-lift operators. And the need? The Bureau of Labor Statistics advises, for example, that the nation will require one hundred thousand more hospital attendants every year during this decade.

Now, our priority Number Two: series on issues of present concern to the American people. Last Fall's Lou Harris poll for the Public Broadcasting Environmental Center

showed a greater concern about pollution than any other community problem: thirty-four percent listed it as the biggest threat of all.

Among our own constituents, three-fourths of the station managers were saying more than a year ago that their first educational job must be to, as they put it, "create a national passion" for clean air and water.

So, the problem is there, and the public is concerned. We propose to respond in the following ways, drawing on the pattern of "The Turned On Crisis."

First, we will invite a station to produce in 1972 a series of thirteen programs on the environment, for a general, at-home audience.

Second, we will contract with National Public Radio to produce a series of radio features, also during 1972. These will be for a general audience, also.

Third, we see the need for an in-school series of twenty-minute programs, fifteen in all, for Fourth through Sixth Graders. We expect that those programs can be completed by October, 1972.

Finally, a course for teachers: Six half-hours available by a year from now.

Surely if there is anything that will affect our environment, it is population overrun—a population doubling every thirty-seven years. We hold, along with the President's Commission on Population Growth and the American Future, that the fact of more and more people *must* be a national concern. And we cannot afford the luxury of thinking only of ourselves. Forty percent of the people in undeveloped lands are under fifteen. What happens when they have families? It's *already* happening in India: a billion people by the year two thousand! Two and a half million houses needed every year, to keep up.

And so, we recommend a block of series on population: a special television evening on the subject, proposed for next spring, an inventory of radio features and spot announcements to be produced by NPR for the secondary-school level and put into distribution next winter, and six half-hour programs for teachers. These would be planned this Fall, piloted, tested, and then produced in the Summer of 1972.

We want to respond to another very vibrant concern of the American people. This has to do with the fibers of law that bind their society. Opinion Research found that eighty-one percent of the public believe that the worst national problem is the breakdown in law and order. Lawlessness hurts, but it's only one facet of a broader subject area. Where does law fit in our community? In the lives of our children? How many of us really know our rights as tenants, as witnesses, as parents of a juvenile delinquent? There is need for a large educational job. We propose to contract for three series—eight half-hours for a general audience to be prepared by Fall, 1972; fifteen programs for elementary school to be available for broadcast that same Fall; and five programs for the in-service education of teachers.

Next, our third priority, one that touches every man, woman, and child. It is Health, what the World Health Organization considers "a state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity."

In his health message of February 18, President Nixon laid out the problem:

"It is in the interest of our entire country," he said, "to educate and encourage each of our citizens to develop sensible health practices. Yet we have given remarkably little attention to the health education of our people."

Mr. Nixon sees the lack of a "national instrument" in this field. We propose that public broadcasting share in the efforts to fill this void.

First, ten programs for elementary-school

children. They could be completed by October, 1972.

Next, the use of radio for a radio-oriented audience: the Junior High School Students. We propose the completion by a year from now of a campaign of radio spots. And we'd also recommend an in-school series for Junior High: ten programs, which could be "in the can" by September, 1972. And, here too, we recommend a short broadcast course for teachers. Ten units in all, which on a fast track could be finished by a year from this Summer.

Within Health Education, we see two other areas of concern—an obligation to keep hammering at the drug problem, and a need to counter America's nutritional deficits.

The "Turned On Crisis" drug project was an enormous success this Spring, and we hope it will hit even more vital areas this Fall.

But one series won't finish the job. So we urge the production of a new set of TV programs for adults. These should be distributed next Spring. And we would recommend radio spots and features designed for teen-aged radio listeners. These could be in circulation by Fall, 1972. For Nutrition Education, I am recommending a similar pattern: eight TV programs to be turned out in the Fall of 1972, and a variety of radio spot announcements for the junior high school level. These ought to be in distribution during the seventy-two—seventy-three school year.

Our final category has to do with something that has just become visible on the academic horizon: providing college degrees for those who cannot, or won't, attend college formally.

It's a vast, untapped area. And interest in it has sprouted in the offices of many an educator, from the Chancellor of the California State Colleges to the Chancellor of SUNY.

We believe CPB should take part in this process of defining and perfecting a new approach to higher education. We see a three-step project. First, an essential study of the potential, infinitely varied "student body." Then, a period of curriculum design. This would lead to production of one basic college course, made up of thirteen TV units. We would budget fifteen thousand dollars a piece for these programs.

The current departure in thinking about college-level education has received its greatest boost from Britain's Open University, which began this January 1. The combined efforts of BBC producers with professors, researchers, and "education technologists" have been harnessed to provide TV and radio college courses toward an accredited degree for a large percent of the British population who never had the opportunity to pursue higher education. This important project has been several years in the making and had generated great support in England. Of the 43,000 adults who applied for admission only 25,000 could be accepted. One in three of these students is a teacher, one in ten a housewife.

Looking back at all the projects we've recommended, I might mention, finally, the matter of distribution. At the most, five of the TV series would benefit from simultaneous broadcast through PBS. The balance—the school and teacher series—could just as well be sent down the line by PBS at off-hours for stations to tape and hold for local use later on.

"CHANNELING EDUCATION'S CHALLENGE"

(An address by John W. Macy, Jr., President, Corporation for Public Broadcasting, before the National Association of Broadcasters, Chicago, Ill., March 29, 1971)

Ladies and gentlemen . . . I am grateful for this opportunity to be here today and want to extend to you, on behalf of the 10,000 people who work in public broadcasting,

my heartiest wishes for a successful convention and an even more successful year.

Like everyone else, I've read the proliferating stories about the gloom and doom supposedly prevalent in commercial broadcasting.

While I have read these stories, I have also read the statistics. And I simply cannot believe that any enterprise that occupies five hours and 50 minutes of the average family's time each day is breathing its last gasp.

I did not come here today, however, to pretend to know more about your business than you do, but rather to talk about the business I know best: public broadcasting. In this time, I hope to clear up some of the confusion that I know exists regarding public radio and television . . . to give you my conception of how your enterprise and mine relate . . . and—let there be no ambiguity about it—to seek your active support.

I firmly believe that the future of commercial and public broadcasting is inextricably entwined and that, to a large extent, we will rise or fall together. Neither of us wishes to fall and therefore I would like to indicate how I think we may jointly rise.

There are those who think that commercial and public broadcasting make a very odd couple who have no place on the same dial together. But if the profit motive and public service cannot thrive side-by-side on the airwaves, how can we expect them successfully to combine in the rest of our society?

Book stores and public libraries have both managed quite well in America since the beginning of our country, and both have contributed to the literacy of our people. The analogy speaks for itself, and I maintain that the contribution of broadcasting is greater than it would otherwise be because of its dual nature.

Public broadcasting has come far in the last two years, and to understand public broadcasting, I believe you should know some of the recent facts of our activity.

Fact One is that public broadcasting, 1971, is an extensive well-established system. Public television stations now number 203 and are located in every State except Alaska, Montana and Wyoming. Complementing these are 480 non-commercial radio stations, 104 of which meet standards that qualify them as "full-service" stations.

The stations are linked by two networking organizations: the Public Broadcasting Service, which provides "live" delivery of programming to 176 TV stations, and National Public Radio, which will begin May 3 to interconnect some 100 radio stations. Consequently, it can be said that—in size at least—the system of public broadcasting has grown up.

Fact Two is really not a fact, but an opinion. It is, however, an opinion widely shared; namely, that public broadcasting has matured in quality as well. Along with a number of commercial stations, we are the happy home of "Sesame Street," and in addition to this historic series, our lineup includes such programs as "Civilisation," "The Advocates," "Black Journal," "NET Playhouse" and "The French Chef." There is no need to elaborate on this programming, for I know you read the radio-TV pages as thoroughly as anyone.

Fact Three is that public broadcasting, in addition to growing bigger and hopefully better, has developed a sharpened sense of direction and purpose. We know better now where we are going, and we have begun to take the steps to get there.

When Congress wrote the Public Broadcasting Act of 1967, the legislation that authorized the establishment of the Corporation for Public Broadcasting, it stated that CPB should promote the growth and development of public broadcasting and foster the production of programming of quality obtained from diverse sources. It enumerated

some specific duties, such as the establishment of interconnection, but in general, we were given considerable latitude in our mandate.

In interpreting this mandate, we have broken new programming ground, best symbolized by "Sesame Street," and have begun to test other frontiers through radio and TV experimentation centers and film projects.

We have diversified our sources of production by designating seven TV stations as national production centers and giving them the funding to enable them to become regular contributors to the national schedule.

We have operated general-support grant programs for stations to increase their local strength, and we have helped develop the production skills of many of these stations through program grant competitions.

We have begun to research our audience and our programming and, going in the other direction, we have reached out to the public to inform them of what we are doing.

But perhaps most importantly, we have conducted a fundamental, down-to-the-bones analysis of public broadcasting to determine what our proper role is and how we may best serve. And we have concluded—not surprisingly—that our chief value to the nation lies in education. Not only in education that complements classroom activity; not only in education for the young; not only in education tied to books—but education in all its forms; for the young, the old and the in-between; education both formal and informal, tied to the classroom in some cases and in others tied only to the question of what life is all about.

For a moment, put aside your role as broadcasters to examine, as citizens, taxpayers and parents, the disconcerting state of our educational system.

The word "crisis" is often bandied about carelessly, yet when applied to education, the weight of evidence indicates it is not being misused.

America, 1971, believes that the ideal of the fullest possible education for everyone is no longer acceptable simply as an ideal; thinking individuals agree it must become fact. The impulse arises not only from the spirit that says full education is a birthright in our affluent land, but also from the conclusion of hard-headed realists that our society will not continue to progress without a significant increase in the educational attainment of our population. Full education, in other words, is not only proper; it has become necessary.

We know, for example, that if we hope to halt the poverty cycle, we must train the young poor out of it. We must help give them the personal ability to capture and hold a worthwhile job, for this is the only true road to self-pride and self-sufficiency.

We take great pride in the fact that illiteracy has been slashed by 80 percent in this century, with the result that today only two Americans out of 100 cannot read or write. But grave questions have been raised about how well this "fortunate" 98 percent can read and write. Some experts have even suggested that as many as half of all adults may lack the competency to function successfully in our world of words. Regardless of the percentage, the fact is that vast numbers of our population cannot pass the intelligence tests for the armed services, cannot successfully fill out their income tax forms and cannot appreciate why they should continue to struggle within a society whose laws and justice they cannot understand and whose rewards they cannot share. Hence, the genesis of that phrase that is a road sign of our times: "The functional illiterate."

It has become well-established that a high school diploma is the minimum passport to economic well-being in the United States. Yet nearly half of our working-age population—some 60 million citizens over the age of 25—lack this passport. It is at the same time both frightening and instructive to note that

95 percent of the inmates who enter our prisons are part of this number and that two-thirds of all mental patients in a sample state, New York, also fall in this category.

But dramatic examples tell only a small part of our educational dilemma. Everywhere we are witnessing a growing demand for more schools, more teachers and better education. Yet everywhere there is an equal demand that all this be done for less money. Everywhere we hear parents asking why Johnny can't read and, most everywhere, we read that another school bond has been defeated. Simultaneously, the catalogue of our educational needs grows and grows.

Research now clearly indicates that the pre-school years are critically formative in an individual's development—a time when most of a person's I.Q. will be established, for better or worse. If we are to be true to the principle of the fullest possible education, we must consequently improve and extend pre-school education.

Further, it is true that when Johnny continues into grade school he often can't read well. In fact, studies have shown that as many as half the nation's children between the ages of 7 and 10 may suffer from deficiencies in reading—the most fundamental learning skill and the foundation on which all subsequent education is built. And so, unquestionably, we must agree with President Nixon that the right to read belongs to all Americans. And somehow, at whatever cost, we must insure this right.

Slowly, too slowly, we are also recognizing that not everyone is suited for formal, academic education and that skilled plumbers are in as much demand as Ph.D.'s—and more so, if your pipe's sprung a leak. Somewhere along the line, our people have developed the false notion that dignity in one's work comes only with a white collar, and the millennia-old pride of craftsmanship has been lost. As a result, we curse when our auto sputters dead on the way from the garage, and if we want a long-term solution, we say that vocational education must be improved and made the equal of education in letters.

Then there are the social demands being placed on schools. Somehow, too, these must be accommodated. We need safe drivers and healthier, stronger youth, and the schools must do their part in training them. We need to warn youngsters of the dangers of drugs, and where better to teach this lesson than in school? We have come to recognize that before very long humankind may gas and poison our planet out of existence; we most certainly can't let that happen. So our youngsters must be taught constructive ways to make our environment not just last, but prosper. And this means yet another very legitimate task for the schools.

Clearly, our teachers must be "re-taught" themselves on many of these subjects. We cannot send them all back to college. But somehow we'll lick that problem, too.

And speaking of our colleges and universities, we must somehow greatly increase their capacity, for we all want our children to go to college. Yet our colleges, like the rest of our educational institutions, are hurting and hurting badly. It was, I thought, a revealing commentary on our times when Notre Dame broke its decades-old tradition of refusing post-season football bowl bids—not for athletic glory, but to help pay the bills for the whole university. In 1960, 2.6 million young people attended our colleges and universities. That number has since almost tripled, and the resulting strains are apparent. But we must make a college education available to all who have the ability. How? is the question.

The same cannonballing pace of our times constantly demands that people who have already completed school learn more. The burden on our policemen, for example, has become astounding, and they are called on to be, among other things, sociologist, minister and lawyer all in one. We must help increase their ability to fill this role. Similar

"re-training" is also required by nurses and doctors, by technicians of all kinds, by businessmen and their employees, and so on the list goes.

These are some of the most urgent demands being imposed on our educational system today. They are imposing—almost overwhelming.

But stop for a moment and consider an even more overwhelming fact, namely, that by the year 2000 our nation will be the home of 100 million more Americans than are alive today and that each of the problems I have enumerated will be multiplied by this added factor.

I have obviously been leading up to a point and it is this, that public broadcasting can help considerably to bring the price of full education within our reach . . . without a sacrifice in quality. The question is: Do we want the fullest possible education badly enough to pay for it?

I believe that "Sesame Street" has shown that television must be used in meeting the educational challenge and that American education will never be quite the same because of this historic series. For it has forced us to the conclusion that if educational television can be effective at the pre-school level, it can be just as effective at any level.

"Sesame Street" has given some 8 million children a headstart on learning; perhaps as important, it has demonstrated to these youngsters that education can be exciting. If this sense of learning excitement can be sustained, then I believe the effect of the program will be multiplied with coming years.

Next fall, the Children's Television Workshop will present a second program—a daily series to teach reading skills to the estimated 20 million youngsters who are considered "reading cripples." If this experimental program can successfully teach reading, there would then appear to be no limits to the usage of television in education.

On the national level, we are currently in the midst of another large effort—a three-part drug education project. This project was launched in February with eight hour-long specials in prime-time under the title, "The Turned On Crisis." This series, aimed at parents and youngsters, was followed this month by a six-part series for teachers and school administrators. And next fall, the third phase will bring yet another six-part series for junior high school students into the schools.

It is this common connection public broadcasting has with both the home and the school that I believe makes it so promising an educational instrument.

No less an authority than President Nixon holds with this position, and in his message to Congress on educational reform one year ago, he said we must cease confusing "schooling" with "learning."

"Our goal," he said, "must be to increase the use of the television medium and other technological advances to stimulate the desire to learn and to help teach."

At the Corporation for Public Broadcasting, we currently have under study a detailed long-range program to apply our resources, in the manner of "Sesame Street," to new areas of educational need. We are particularly interested in whether we can develop a national system of high school preparation through public TV . . . and in education on the environment, on population and health, on the rights and responsibilities of citizenship and in higher education.

Before long, we hope to marshal sufficient funds and refine our plans enough to be able to announce the details of this new thrust in education.

I want to make clear that we do not intend to change the direction of our current evening schedule, but rather that we intend to supplement it with programming of more direct educational content. We continue to

believe that education is a continuing process unto the day of death and that it encompasses the arts, current affairs, making things grow and, yes, even French cookery.

Without going into too much detail, let me say that our capacity to do these things will depend largely on events that occur in Washington during the next year and a half. For during that period, we hope that a scheme of more adequate, long-range financing for the Corporation for Public Broadcasting will emerge from the Administration and the Congress.

In the report of the Carnegie Commission on Educational Television, which has served as a guide to much of the course of public broadcasting, it was recommended that an annual budget of \$100 million was needed for CBP if public broadcasting was to improve significantly in performance and service. In the current year, the Corporation is operating on a budget of \$25 million. That is an appreciable amount of money, but it dwindles rapidly when spread over a system of several hundred stations.

We believe that the funds we seek will be returned manifold to the American people—and that the educational contribution we are making and intend to increase can be duplicated by other means only at a prohibitive cost. The nation currently spends \$70 billion a year for education, and for two-tenths of one percent of this total, we believe we can perform a priceless service. Consider, for example, "Sesame Street," which costs less than one penny per program per child who watches. Is it worth it? The question answers itself.

Throughout recent years, commercial and public broadcasting have lived in peaceful co-existence, but I believe that is no longer adequate. I think we must enter a stage of active cooperation.

We in public broadcasting need more of your discipline, skill and professionalism, and in turn, I think we offer to you an ideal broadcast laboratory by virtue of our greater freedom to innovate. We should increase the instances of exchange of information, ideas and, yes, maybe even develop an exchange program for personnel.

It almost goes without saying that we also share common problems—of how best to utilize the emerging new communications technologies, of program standards and of balance and fairness. I think we serve neither ourselves nor our audience if we re-invent each other's wheels.

At the outset, I suggested we would rise or fall together.

Let us start a new ascent.

Thank you.

OKLAHOMA: STATE OF THE SEVENTIES

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ALBERT. Mr. Speaker, annually the Oklahoma State Chamber of Commerce sponsors an annual "Pride in Oklahoma" essay contest. This year, I am proud to report the first prize in the contest was won by Dennis Grundy, an 18-year-old high school senior from Comanche, Okla., in my congressional district. All Oklahomans are proud of young Dennis Grundy. The spirit of our great State is exemplified in his essay entitled "Oklahoma: State of the Seventies." His prize-winning effort brings great credit not only to him, but to his family, his community, and his State. I am

pleased to include at this point in the RECORD the prize-winning essay of Dennis Grundy, "Oklahoma: State of the Seventies":

OKLAHOMA: STATE OF THE SEVENTIES
(By Dennis Grundy, Comanche High School, Comanche, Okla.)

You may have heard of me, or
You may have sung about me, or
You may have seen me, but I doubt it.
For you see, I am the hawk referred to in "Oklahoma", the state song of Oklahoma. You know, the one "makin' lazy circles in the sky."

Well, lately I've been doing more than making lazy circles in the sky.

I have been watching these Oklahomans since they became the 46th state when admitted to the union in 1907.

Evidently, they've taken their motto to heart, because in just 64 short years these Oklahomans have progressed from moccasins to space shoes, from wagons to jets, from teepees to skyscrapers, from dusty, never-ending, rolling prairies to wheat-yielding, cotton-producing, and cattle-grazing pastures; from wooden cabins to meat-packing, flour-milling, and textile-making plants; from buffaloes to a booming livestock state.

Well, I have been flying over Oklahoma now for many years, observing its 69,919 square miles of grass, trees, mountains, hills, lakes, rivers, canyons, mesas, pastures, plains, highways, turnpikes, and railroads, and have come to the conclusion that Oklahoma has really just begun to prosper.

One might say that I have a birds-eye view of the goings-on in the Sooner State, and can unbiasedly say that Oklahoma is "A State of the Seventies."

While sailing through Oklahoma's blue skies, bright sunshine, and pillowy clouds, I have begun to hear shouts across the land—

Restless, progressive people shouting, "Oklahoma: State of the Seventies."

Steady, industrious people shouting, "Oklahoma: State of the Seventies."

All of Oklahoma's people shouting, "Oklahoma: State of the Seventies."

Other people say, "Do you mean Oklahoma? Heart of the Dust Bowl. Land of buffalo, roving, paint-clad, warring Indians. Land of teepees and sod houses. This is the State of the Seventies?"

I say, "Yes, I mean Oklahoma!" Crossroads of America. Vacationland, USA.

Home of America's greatest—Will Rogers, Jim Thorpe, and Wiley Post, and now in the Seventies—John Bench, Steve Owens, Carl Albert, Jim Webb, and Mickey Mantle.

Land of the Red Man—One might think Indians have no place in a society of the Seventies. But Oklahoma does not, can not, and will not escape its Indian heritage, and is proud of it. For Oklahoma is "Indian Land", and the fact that it is, adds to the uniqueness of the state as it proceeds into a new, exciting, and promising decade.

As I fly over the Sooner State, I see nearly three million people who know and feel that Oklahoma is destined to become a greater state than it already is in the Seventies.

But just what does Oklahoma have to offer America and the world in the Seventies? Old sayings of Will Rogers? Pictures of old Indian chiefs? Statues? World's highest corn stalk?

All of this is good and fine, but this is the Seventies.

And if Oklahoma wants to become a state of the Seventies, as I know it does, it will have to look toward the stars (as all of modern man seems to be doing now.)

So just what has Oklahoma to offer? Just pick up a newspaper, turn on a radio, or tune in on the TV, and you'll see.

As American government proceeds into the Seventies, Oklahoma has Carl Albert to offer, Speaker of the House, and Democratic leader Fred Harris.

Turn on some music and hear Glen Campbell and the Fifth Dimension singing hit after hit song written by Oklahoma's own Jim Webb. Music has meant much to America, and Oklahomans Roger Miller, Patti Page, and Mason Williams are great artists in the music world.

In the sports scene, probably the brightest star in the Seventies will be Binger's John Bench, catcher for the Cincinnati Reds voted baseball's MVP at the age of only 23.

Oklahoma has great people to offer, and there are many more where these came from.

I've been makin' my lazy circles over Oklahoma for over 60 years now, and have yet to see all I have wanted to see. But one thing I know—in the Seventies, Oklahoma has something for everybody, from the cowboy to vacationers. A cowboy in the Seventies??

Yep, rodeoing is one of the biggest, most exciting sports in America today, as well as a money-making sport. Cowboys from all over America flock to the National Finals Rodeo held in Oklahoma City every year. The relatively-new National Cowboy Hall of Fame in the City attracts many every year.

For the vacationer and sightseer? The Seventies are surely to bring a time for recreation and leisure, and Oklahoma is the place to go for this.

10 million acres of forest

1,750 squares miles of water surface for fishing, swimming, boating, skiing.

22 state parks along with many other recreational areas. Situated all over the state near natural and man-made lakes and mountains, parks such as Black Mesa, Roman Nose, and Beaver's Bend serve many people each year.

And for the culture lover Oklahoma has over sixty art galleries and museums. The Cowboy Hall of Fame, Tulsa's Philbrook Art Center, and Will Rogers Memorial Museum are just a few. Mummies Theater and the Oklahoma City Symphony Orchestra will continue to bring pleasure to people in the Seventies.

And what has carried Oklahoma to the Seventies will carry her through the Seventies . . . industry and agriculture.

With large productions of wheat, hay, and cotton and broomcorn, and abundance of cattle, Oklahoma cannot lose.

With her oil and mineral wealth, Oklahoma cannot lose.

Here are some Oklahoma "Signs of the 70's":

Oklahoma's total personal income topped the 8 billion dollar mark last year for the first time in the state's history.

The Arkansas River navigation project will boost Oklahoma industry greatly.

Transportation improvements—Railroads, highways, airplanes, and trucking will be affected.

And greatly-needed changes in education.

The Seventies have been entitled "A Decade for the Young" and probably Oklahoma's greatest asset is her youthfulness. Young Oklahoma with her many untapped resources is a State of the Seventies.

Well, I have to go now, for you see, my days are numbered.

I'm not as spry as I once was, and it will take a mighty active hawk to keep up with Oklahoma.

WIND CAVE PRAISED

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ABOUREZK. Mr. Speaker, the following article from Soil Conservation, the official magazine of the Soil Con-

servation Service, recently came to my attention. This article discusses Wind Cave National Park which is in the district I represent. It describes planning to preserve this park for the more than 1 million visitors the park can expect annually. I am proud of the scenic beauty of South Dakota and would invite my colleagues to visit my State and share with me the pleasure of Wind Cave National Park.

The article from Soil Conservation follows:

WIND CAVE AT ITS BEST

(By John B. Farley)

The National Park Service, cooperating with Custer County Conservation District, has developed a conservation plan on the 28,059-acre Wind Cave National Park in the Black Hills of South Dakota.

Its purpose?—to help keep the park's soil, plant, and animal resources a showcase of good management for the million or more visitors each year.

Wind Cave National Park, created in January 1903, was the seventh national park in the United States. Visitors to the park see unspoiled rolling prairies and foothills with bison, pronghorn antelope, prairie dogs, and other wildlife in their natural habitat, essentially as seen by our pioneers crossing the Great Plains.

Wind Cave is the predominant geologic feature, with 10 miles of passages of crystalline mineral deposits including boxwood and frosting.

SCS conservationists helped inventory range and woodland conditions, made a soil survey, and recommended conservation practices. Forty-four soil mapping units were grouped into six range sites and three woodland sites.

Among practices planned are: Wildlife habitat management, proper grazing use (bison,) critical area planting (disturbed areas), noxious weed control, wildlife watering facilities, and recreation area improvements.

Park officials will keep a close eye on the key browse plants of deer, antelope, and elk. Sixteen photo points have been set up, where selected browse plants will be systematically photographed against a gridded backdrop to measure degree of use and vigor.

Park officials are favorably impressed with their cooperative experience in conservation planning at Wind Cave.

WHAT CORPORATE DONORS IN THE SEVENTIES EXPECT FROM EDUCATION IN EFFICIENCY AND EFFECTIVENESS

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. JARMAN. Mr. Speaker, Mr. William F. May, chairman and president of the American Can Co., recently made a very significant speech at a national conference on learning centers hosted by Oklahoma Christian College in Oklahoma City. Mr. May is a director of the Council on Financial Aid to Education and also serves on the President's Committee for Economic Development. I would like to share with my colleagues his comments dealing with an important theme for all American higher education—the necessity of using their finan-

cial resources in the most efficient and effective way possible:

WHAT CORPORATE DONORS IN THE SEVENTIES EXPECT FROM EDUCATION IN EFFICIENCY AND EFFECTIVENESS

(By William F. May)

Ladies and Gentlemen: Thank you for inviting me. I can say this honorably now, in light of the educational experience this conference has provided for me. In all candor, often in thinking about my remarks today I have been appalled at the presumption of a businessman who would tell professional educators what he expects from them in efficiency and effectiveness in the decade of the 70's. Yet this is what Dr. Baird has asked me to do, and to do it in full knowledge that educators have at least as good a track record in goal-setting and goal-achievement as business.

Perhaps I am made bolder by realizing that almost any educator worth his salt, or any of his students, would have no compunction whatsoever about describing in detail what he—and he would normally say—he and society expect from business over the next ten years.

As a matter of fact, the business executive and the college administrator have almost every problem in common. Each of us is a manager, for better or for worse, over the M's of modern management:

1. The management of money;
2. The management of men;
3. The management of machines;
4. The management of material;
5. The management of marketing.

The sixth M is our mutual concern for the human mind, its discovery, its nurture, and its fulfillment.

A concentrated analysis of the limited effectiveness of our management of money, men, machines, material and marketing—at least when compared to optimum effectiveness—is enough to make a strong man weep.

The world seems to be crashing down on educational and business executives. Human expectations of business and educational institutions seem to have no boundaries. Money is a prime factor in meeting these expectations, and the wherewithal with which to satisfy them is simply not available. In the case of educational institutions, whose income is derived—at least, in a large measure—from tuition income, the loss of students can be catastrophic.

I read last week of a private college in Georgia that normally at this time has 350 applications for entrance in the coming fall. This year, it has seven.

The time-honored art of grantsmanship has lost its charm and effectiveness in today's soft economy. For several years, elements from students and faculty alike have badgered the federal government for using universities and colleges in military research. Many of these programs are now withdrawn, and in some major universities, physics, chemistry, mathematics, and biological sciences have had their incomes cut as much as 50 per cent.

The catalog of bad news for educators is long, and you are more qualified to recite it than I am. I am reminded of an apocryphal briefing which the President is said to have sought from the Secretary of State on the conditions of world affairs.

It wasn't cheerful. The Mid-East was a powder keg. The Soviet Union had completed its nuclear submarine base in Cuba. Our former enemies and now strongest allies—Germany and Japan—were capturing U.S. markets. Indo-China was devouring our men and resources. And much more.

The President listened glumly, and finally asked: "Isn't there any good news?"

The Secretary of State fumbled through his pockets, finally producing a crumpled memo. "Oh, yes," he chirped brightly. "The Aswam Dam is leaking!"

I don't think you asked me here to go on a crying jag with you. So, let's put our handkerchiefs away, take a deep breath, and face the future together with courage.

Let me state a thesis for your consideration. It is our mutual objective to bring optimum levels of professional skills to the management of money, men, materials, and marketing to the end that our joint services provide a total environment hospitable to the human mind, and to the attainment of human aspirations.

As a businessman, I honestly believe that the Seventies will see our system of higher education develop new and lasting strengths, new stability, new productivity toward human goals. It won't happen without immensely increased understanding and cooperation among three sectors: Education itself, industry and government. We all inhabit the same boat; if one end sinks, the other end won't stay afloat for long.

I believe that the ship itself will survive, with its crew, and sail on to new and exciting frontiers.

One major trend is clearly visible today and that is the demand for better management in every area. This demand is great, growing and worldwide. It affects not only business but government, education, and all other human enterprises and institutions. This conference today is living testimony to the search for better management.

To appreciate the force of this trend, it is necessary to recognize the changed, and changing, concepts which govern our view of management and its meaning. In earlier times, it was enough to say that the purpose of corporate management was the economical and efficient handling of money, men, machines, materials, and markets. The measurement of management's success was, very simply, profitability. Still essentially correct, these concepts are just the basic building blocks in the complex structure which we call the American economy today.

Winston Churchill once said: "It is a socialistic idea that making profits is a vice. I consider the real vice is making losses." This will forever remain true, if only because an addiction to red ink on the part of managers is a vice not freely forgiven by stockholders.

Most of us today, however, realize that there is a larger and better reason for profitability. It lies in the fact that the earnings of industry generate most of the wealth and the tax revenues which sustain and expand our public services—in government, education, health, recreation, the arts, and all the other components of a true civilization.

Both in quantity and quality, therefore, society's services to the citizen depend in large part on the efficiency and effectiveness with which our business enterprises are conducted. This is the new meaning of business management today. Better methods, systems, organization, and equipment are the tools. Innovation, sharpened by invention and spurred by competition, is the driving force. Increased productivity—the one real antidote to poverty—is the end result. The title you have assigned to me indicates your understanding that criteria for the private sector are deeply relevant to education.

None of this is to pretend for a moment that we have reached, or even approached, the pinnacle of performance. No system is any more perfect than the human—and therefore fallible—beings who man its controls. Nevertheless, American business management, with all its faults and all its failures, is one of the hopes of this world. Underprivileged nations cry aloud for its guidance and expertise. The more advanced economies profit from their association with it, much as they sometimes decry the "brain drain" it is said to create.

But now, having extolled the achievements of our economy, let me hasten to acknowledge its limitations. In a nation and a world hungering for material and social progress,

we seem unable to keep up with the demand. This condition affects your institutions adversely, as it does the human condition itself.

Claimants to our gains in productivity are numerous and insistent and some of them are new. Education is only one. The cities, caught in the grip of urban crisis, are calling loudly for help from the states, the federal government, the business community, or any other possible source of assistance.

The complex of problems centered under the heading of "Ecology" has developed an urgent and vociferous public demand for prompt and vigorous attention. And, speaking for a corporation whose products and processes are deeply involved in environmental problems, let me say that business is keenly aware of its obligation to join heartily in the search for solutions. The new National Center for Solid Waste Disposal is among the foremost concerns of my company today.

Recycling is now an in-word. Let's look at it for a moment. Recycling is itself a matter of technology and the application of management skills. Louis Armstrong became famous in part by singing: "Everybody talks about Heaven ain't a-goin' there." Very few who talk knowledgeably about recycling have the foggiest notion what it entails in men, money, machines, materials, and marketing. Yet recycling is a social goal, and business and government simply must respond.

The need for innovation and improvement in the management of government was recognized by President Nixon in his State of the Union message where he outlined a sweeping organization plan for the federal establishment. The states, the counties and the cities face acute fiscal distress—but many of them suffer just as much from lack of organization, duplication and delay as they do from swelling budgets and shrinking incomes. So do we all.

It comes down to this, I think: When an institution, private or public, encounters a ceiling on its revenues while its costs—through circumstances beyond its control—increase, then that institution must look for solutions within its span of management control. This need not mean retrenchment in terms of personnel employed and services rendered. It does mean an earnest search for more efficient and effective ways of creating marketing and delivering its services.

It is always tempting at this stage of a speech to embark on a "Gee Whiz" prophecy of conditions as they will exist in the year 2000, or even in 1975. The basic fact of the matter is, however, that both business and educational leaders today have some difficulty in predicting accurately what is going to happen in the next quarter or next semester. Then, there is always the possibility that our predictions may simply omit the most important developments.

In 1953, for example, on the 50th anniversary of the Wright Brothers' first flight, some of the nation's foremost aeronautical engineers were asked by a scientific periodical to review the first half-century of aviation and look ahead into the next fifty years. The experts devoted themselves entirely to discussion of technical changes in existing aircraft, along with some speculation on the possibility of supersonic flight, but there was not a single mention of the exploration of outer space, and four years later Sputnik I went into orbit.

In 1960 a Presidential Commission published a report entitled "Goals for Americans—Programs for Action in the Sixties." Many of the Commission's findings were sound, well-reasoned and imaginative. In the field of higher education, for example, the report set goals which we are yet to reach. Its analysis of the financial problems of colleges and universities was acute, farsighted, and pertinent today.

But that report is also interesting because of some of the changes it did not anticipate. Some of you may have seen a recent cartoon in which a middle-aged gentleman is saying to a friend: "Confused? Of course, I'm confused. I have a son at Vassar and a daughter at Yale!"

No 1960 Commission could possibly have visualized the long hair, whiskers, blue jeans, rock festivals, freakouts, teach-ins, sit-ins, and all the disruptions which last year led to a Presidential Commission on Campus Disorders.

The fact is that I don't have to venture too far into the realm of prophecy in describing what we may expect from education in efficiency and effectiveness in the Seventies.

We have already agreed that the management of money is one of our joint responsibilities.

When money is tight—and we should never assume that it is loose—there are two methods of utilizing money more effectively:

1. Make greater use of existing facilities;
2. Expand the market for what you have to sell.

Your host institution today is a front-runner in the use of new technologies. It is famous far beyond Oklahoma for its use of recording tapes to extend the effectiveness of its teaching staff.

About two weeks ago I sat with the Dartmouth Overseers and heard its new president, John Kemeny, discuss Dartmouth's proposed complex schedule of term sessions with its increased use of facilities, and its more effective use of faculty talent on a year around basis to allow the student to obtain his undergraduate degree in 3½ years and, at the same time, provide the student with the opportunity to spend two six month periods on his own learning projects or in work outside Dartmouth. This experience gives him an opportunity to establish his life values, based on non-academic realities as part of his intellectual development.

Certainly the whole field of adult education will become at least as important, and perhaps more so, to the institutions you represent than the undergraduate training. I would suggest that the rapid obsolescence of knowledge is perhaps your greatest challenge. I think that you should ask business and industry to be your partners in overcoming this obsolescence.

When Francis Keppel was U.S. Commissioner of Education, he pointed out that industry alone is spending something in the order of \$17 billion annually for educating its employees. One does not have to look into the distant future to see how closed-circuit television can be the medium for transmitting the skills and abilities of the academician to millions of workers as well as a means for sharing business-gained experience with the students on campus. We, and other firms in the Chicago area, are working on such a program now with Illinois Institute of Technology.

I have already mentioned recycling as it affects the general industry I represent. But I suggest that there is another form of recycling that offers market expansion opportunities to your managements: This recycling of students, whatever their age. Incidentally, I just read that in Maryland, two women legislators have introduced bills to make marriages good for only three years. In other words, to recycle marriage. Rest assured, I am taking no position on that issue.

But recycling the intellect is another matter. Scholars say increasingly that in today's pace of change, advanced degrees should be renewed at least each seven years. I see no valid reason why your facilities of brick, mortar, and talent shouldn't be used around the clock in recycling students, why your institutions shouldn't be the very heart of a perpetual intellectual and spiritual refreshment of the mind. If colleges and learning centers—using new communication techniques—don't rise to this challenge, other

institutions will. It might even be business.

The extent of the college role in this recycling of the mind depends in large part on your own increased management innovation in extending both your products and your markets.

Please do not count me among those who entertain the comfortable assumption that all the colleges have to do is to install "business methods" of management and their financial woes will disappear into the night. But I do agree with Harold M. Williams, the new Dean of the Graduate School of Business Administration of the University of California at Los Angeles, who says: "The drying up of funds will put pressure on our public institutions to be much more businesslike and efficient." As a former Board Chairman of Norton Simon, Inc., Dr. Williams knows both sides of this particular table.

Dr. J. Douglas Brown, former Dean of Faculty at Princeton, supplements Dean Williams by saying:

"In the administration of a soap factory, the absence of a sense of economy soon results in bankruptcy. Profits and losses are obvious to an investor. In the administration of a college or university, the absence of a sense of economy can be camouflaged for years by low salaries, poor instruction, and wasted effort . . . yet, universities and colleges deal with the most precious resources a nation can possess—talented teacher-scholars and the potential leadership of future decades."

Dr. Douglas continues:

"Even though a wealthy country can afford to waste money on badly-managed soap factories, it cannot long afford badly-managed colleges. With the pressures now placed upon higher education to help the nation provide the talent and knowledge to adjust to dynamic change, it is high time that every effort be made to improve the management of every institution."

In recent months, this issue has been given major scrutiny throughout the country in the councils of some fourteen organizations concerned with the financial support of higher education. This is a heartening development for it brings educators and their business allies together in the analysis of their mutual hopes and expectations.

At this point, I wish to disavow any thought that corporate donors have a "right" to "expect" anything from the colleges. Since they contribute only about two percent of higher education's total costs, the corporations are sitting in the bleacher seats far beyond left field. But corporate contributions committees will give three cheers for every program designed to improve efficiency in college operations, again providing you communicate and market them.

When we speak of efficiency, we are obviously talking about much more than counting the spoons in the cafeteria or installing meters in the parking lot. When we get to the heart of the problem of good management, we have to talk about the more effective utilization of our human resources—the skills, talents and experience of qualified people. It is on such questions as this that college administrators will find ready listeners and staunch supporters among their friends in the world of business.

A study found wide variations in the ratio of administrative staff to enrollment. In a detailed comparison of two colleges, it was found that both had enrollments of about the same size, both were about equally well-regarded, both enrolled about the same number of freshmen—and both wound up with about the same deficit. Yet one had an administrative staff nearly twice the size of the other. Here, surely is a field for fruitful inquiry!

What I am urging, really, is closer communications between education and industry through mutual concern over matters in which one is expert and the other is not. If educators enlist the help of businessmen in

solving their management problems, the businessmen will learn more about education. If educators accept the principle of accountability in managing their mundane affairs, they will find businessmen much more appreciative of their productivity in the realm of the relatively intangible, the realm of the mind.

Creative citizens, leaders, energizers—these are what the nation, not necessarily the business community, should expect of education in the 70's. People who can initiate meaningful change without being blown off course by the winds of aimless change—these are the people we will need at the command posts of all our institutions. We look to education to produce such people and we know, from the very beginning, that there can be no real reckoning, in dollars and cents, of the costs or the results.

This, then, is a matter of faith. America is the scene of the greatest experiment in mass education in human history. We are all committed to the belief that the doors of opportunity must be kept wide open. In this process, corporate donors must take their chances. We can, and we do, try to relate our support to our enlightened self-interest—through scholarships, research and other such programs. It is not so very long, after all, since it was believed that the law would frown on corporate support of even the most worthy of charitable and educational causes.

For the future, I, for one, believe that business must increase its contributions to higher education as one sure way of insuring the general progress of society. But I also believe that a stronger partnership between education and business will strengthen both institutions. Both business and educational institutions are constantly on trial. Neither is static nor permanent. If either falls in its mission, society will find ways of replacing it.

Let us hope, in short, that they take to heart the words of Alfred North Whitehead who said: "A great society is one in which its men of business think greatly of their function." I would modify the words of the noble philosopher by saying that a great society is one in which its men of business and education think greatly of their functions and use effectively all the resources with which they are endowed.

I'll conclude with the words of Dr. Dale R. Corson, spoken after one week as Cornell's president:

"Innovations must be weighed and tested, but innovation there must be.

"If there are any of you who believe that the future can be assured through business as usual; who believe that the ways of the past will suffice for the future; who believe that present institutions unmodified can serve the future adequately, I must tell you that your view is short and your understanding meager. If we are to survive we must have vision. We must have courage. We must be willing to change. And we must realize that the time is short.

"Let us get on with the task."

MAJOR ISSUES FACING THIS CONGRESS AND THIS NATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, for the 7th consecutive year, I sent questionnaires this spring to each of the more than 140,000 homes in my 15th Congressional District of Michigan. I asked my constituents to express their views on more than a dozen of the major issues facing this Congress and this Nation.

The replies are still coming in, but when we reached the 12,000 level, the responses were tabulated by volunteers working in my district office. I am pleased at this time to announce the results:

MAJOR ISSUES FACING THIS CONGRESS AND THIS NATION

	Percent	
	Yes	No
The economy:		
1. Last year, the Congress granted standby authority to the President to use wage-price controls in the battle against inflation.		
Do you think the President should use this authority?.....	74	26
Should wage and price controls include "profits"?.....	66	34
Foreign policy:		
2. A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops from Southeast Asia before the end of this year.		
Do you favor this proposal?.....	61	39
3. The United States still maintains a large troop contingent in Europe, and suggestions have been made that American forces be committed to guarantee the existence of Israel.		
Do you favor reducing our military strength in Europe?.....	61	39
Do you favor the use of U.S. troops if necessary to protect Israel from aggression by Arab states?.....	24	76
4. For many years, the United States has led the effort to bar Red China from admission to the United Nations. Many nations which have supported us in the past no longer agree with this policy.		
Do you think Red China should be admitted to the U.N.?.....	64	36
Do you think we should recognize the Red Chinese government?.....	63	37
Domestic problems:		
5. Congress is considering a number of proposals to solve the nation's worsening health crisis. One proposal is to adopt a national health insurance plan modeled on the Social Security system.		
Would you favor such a proposal?.....	58	42
Would you prefer to maintain our present system, but with Federal subsidy of medical bills for low-income families?.....	37	63
6. Cancer continues to bring death, grief and suffering to millions of Americans each year. I have cosponsored a bill to spend up to \$6,500,000,000 in the next decade in an all-out attempt to find a cancer cure.		
Do you favor massive use of Federal funds in such an effort?.....	79	21
7. Pollution of our nation's air and water continues to rank as one of our major problems. Lack of adequate funding is one of the big roadblocks in finding a satisfactory answer.		
Would you favor user fees and/or taxes on all polluters and users of water to fully finance Federal water-pollution abatement programs?.....	66	34
8. Crime continues to be a major concern of many Americans. Law enforcement agencies are overworked and underpaid. Prisons are inadequate, and court dockets are months and even years behind.		
Would you favor greater Federal expenditures to solve the growing problem of crime?.....	71	29
Would you favor higher state or local taxes to hire and train more policemen, buy modern equipment, build new prisons and expand our court system?.....	49	5
9. Drug abuse, particularly among young people, is fast becoming a major problem throughout the nation. Some contend that marihuana is no more dangerous than tobacco or alcohol, and should be legalized. Others say that penalties for violators should be made stricter. Do you think any of the following would help solve the problem?		
Legalize the sale and use of marihuana?.....	23	77
Harsher sentences for suppliers and users?.....	52	48
Harsher sentences for suppliers only?.....	72	28
More education for youngsters of the danger?.....	85	15

	Percent	
	Yes	No
National priorities:		
10. The problems of our nation's educational system continue to mount. Many grades are on half-day sessions, school taxes are becoming oppressive, and the quality of education is under attack. President Nixon has twice vetoed appropriations made by Congress for educational aid to local school districts, contending that the expenditure would be inflationary. Do you think the education of our children is sufficiently important to warrant increasing Federal aid, even in a time of inflation?.....	65	35
11. The Congress had delayed until March a final decision on the proposed expenditure of Federal funds to subsidize construction of the SST (Supersonic Transport). Opponents claim that the possibility of atmospheric pollution, the cost and the noise problem outweigh the benefits of reducing the time for intercontinental flights. Do you think the Federal Government should subsidize construction of the SST?.....	22	78
Selective Service:		
12. Proposals have been made to eliminate the military draft and recruit an all volunteer professional Army. Do you favor such a proposal?.....	56	44
13. Proposals have been made to give draft-age youths the alternatives of (1) enlisting in the Armed Forces or (2) serving in the Peace Corps, VISTA or similar nonmilitary service, or (3) taking their chances in a draft pool for military service. Do you favor such a proposal?.....	64	36
Electoral reform:		
14. The United States Supreme Court last year upheld the right of young people aged 18 to 21 to vote in all Federal elections—for President, Vice-President, Senators and Congressmen. Qualifications for State voting, however, were left up to State officials. Do you think complete voting rights should be given in Michigan to persons between 18 and 21?.....	56	44
15. The cost of campaigning has brought charges that public office will soon be limited to wealthy persons and those supported by groups with large sums of money to contribute. Would you favor encouraging more individuals to contribute to political campaigns by allowing a tax deduction for such contributions?.....	50	50
National Problems:		
16. What, in your opinions, are the three most important problems facing our country today? (1.) Crime..... (2.) War in Vietnam..... (3.) Inflation.....		

Mr. Speaker, I would like to comment briefly on each of these questions, and the responses I received.

In regard to wage-price controls, the Congress passed legislation on March 29 to temporarily extend the President's authority to implement controls over wages, prices, and rents. My constituents expressed their overwhelming belief that the President should use these controls in the fight against inflation. They also believe, as I do, that "profits" should also be controlled in our anti-inflation battle.

I was pleased that a sizable majority favor the withdrawal of all American troops from Southeast Asia by the end of this year. In my 1970 poll, 57 percent of those responding voted to withdraw all U.S. troops either immediately or by the end of 1970. In this year's survey, 61 percent favor withdrawal by the end of this year. Recent national polls show that 73 percent of all Americans also favor this plan. As a cosponsor of the

Vietnam Disengagement Act of 1971, which seeks complete withdrawal this year, I am very pleased to see public opinion supporting our efforts.

Sixty-one percent of my people favor reducing our military strength in Europe, a move which I also favor, and 76 percent oppose use of American troops to protect Israel from Arab aggression, which also reflects my thinking. I believe the Vietnam tragedy should have taught us the futility of trying to be the world's policeman.

I was very interested in the response to my two questions involving Red China, since I had never asked these questions before. I agree with the majority of my constituents on both these issues. Recent events, including the visit of a U.S. ping-pong team to China, indicate that the long freeze in American-Chinese relations is undergoing a long-overdue thaw.

As a cosponsor of the national health insurance plan, I was gratified to see that this proposal is favored by a majority of my constituents. The American system of health care is very obviously in need of drastic overhaul, and I think this plan is the proper approach.

The 79-percent support for use of Federal funds in an all-out fight to find a cancer cure shows that the public agrees that this dread disease must be eliminated. I have cosponsored the Conquest of Cancer Act, which would establish a National Cancer Authority for the purpose of a sustained, large-scale attack on cancer. The act would authorize an immediate \$400 million for research, and increase this allocation to \$1 billion a year as soon as possible.

The response to question 7 emphasizes public concern over the problem of pollution. Sixty-six percent are willing to pay additional taxes for water use to finance Federal water-pollution abatement programs. A number of bills are pending before Congress to increase our antipollution efforts, and I intend to give them my full support.

The menace of crime is also of obvious concern to residents of my district, and 71 percent would favor greater expenditure of Federal funds to find solutions. A slight majority, however, opposes higher State and local taxes for this purpose, and it is evident that they look to the Federal Government for help. We have taken some steps in this direction, and more attention is needed in this critical area.

Drug abuse also is a matter of great concern, as well as confusion. A surprising 23 percent voted to legalize the sale and use of marihuana, while 72 percent favor harsher penalties for suppliers of drugs. I was a cosponsor of the Drug Abuse Education Act of 1970, which was signed into law last December. It is obvious, and my constituents agree, that education is the key to this growing problem.

Sixty-five percent of those responding thought that the education of our children is sufficiently important to warrant increased Federal aid, even in a time of inflation. I heartily agree with this position, and I intend to continue my efforts to increase the Federal edu-

cation budget. President Nixon's two vetoes of additional education money last year, and his opposition this year, shows that this effort must come from the Congress.

I was particularly gratified to see the overwhelming support for my stand against Federal funding of the supersonic transport—the SST.

I have opposed such funding in the past, and voted against it last month when Congress voted to end all Federal subsidies. With so many problems crying for solution, we can ill afford to help finance a commercial venture that would benefit a relative handful of Americans.

Last year, 41 percent of my constituents indicated their support for an all-volunteer, professional army. This year's poll showed 56 percent in favor. I share their dislike for an unfair draft system, but I am reluctant to turn our armed forces over to completely professional, military control. I voted against the 2-year draft extension asked by President Nixon, and I hope that the Senate will limit the extension to 1 year. This will give us time for a realistic study of this truly complex problem.

I have polled my constituents for several years on the issue of lowering the minimum voting age to 18. Although I have favored this change for many years, my polls have showed that a majority of my constituents did not agree. Last year, for example, 54 percent were opposed. This year, for the first time, a majority—56 percent—voted in favor of the 18-year-old vote. A proposed constitutional amendment to set 18 as the voting age for all elections has already been approved by the Congress and by nearly 20 State legislatures. When three-quarters of the States—38—have approved it, the amendment will become effective.

My constituents split evenly, 50 percent each way, on the question of allowing tax deductions for political contributions. I am inclined to favor the idea, as a means of encouraging small donations from many persons, so that officeholders and candidates would not have to depend solely on large contributors for campaign expenses.

The final question on my form, both this year and last, called upon my constituents to list in order of importance the three most vital problems facing our Nation. Comparison of the 2 years' returns shows an interesting change of priorities and attitudes. In both years, crime was listed most commonly as the No. 1 problem. It was followed, in 1970, by pollution, the war in Vietnam, poverty, taxes, and inflation.

This year, the Vietnam war rose from third to second place, followed by inflation, which rose from sixth to third, and pollution, which dropped from second to fourth. Drug abuse, 11th in 1970, rose to fifth this year, while unemployment, not listed among the top 12 a year ago, was No. 7. Education, seventh in 1970, was sixth this year.

While the priority ratings have shifted somewhat, it is apparent that my constituents recognize the basic problems and challenges faced by the United States, and look to those who represent them at the Federal level for leadership and answers.

MOORHEAD LAUDS PITTSBURGH
SCHOOLS DRUG EDUCATION PRO-
GRAM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MOORHEAD. Mr. Speaker, there are few who would debate the seriousness of the drug problem in the United States. We are faced with no passing aberration which, in time, will go the way of all flesh and disappear, to be replaced by some new fad.

Drugs, illegal and some legal, are a current menace and the extent of their use is reaching frightening proportions.

A massive drug education program, initiated as soon as youngsters respond to instruction, is obviously a necessity. This is not an attempt to scare young people, but to illuminate and create a discussion atmosphere in which the use of drugs and their effect can be put into perspective.

In this regard, I am pleased that the Pittsburgh public schools have adopted and implemented a drug education curriculum for children in kindergarten through the 12th grade.

The senior high program is important, but more so, I believe, are the lessons aimed at the younger children who may not have already developed ideas about drug use, ideas that cannot be changed, no matter how good the instruction.

For this reason, I would like to put into the RECORD the drug education curriculum for the Pittsburgh public schools, for grades one through six, and including kindergarten.

I hope that my colleagues will take note of Pittsburgh's progress in this respect and suggest to their own school boards and school districts similar programs.

The material follows:

PITTSBURGH PUBLIC SCHOOLS,
Pittsburgh, Pa., April 5, 1971.

HON. WILLIAM S. MOORHEAD,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MOORHEAD: Enclosed are copies of the newly developed *Drug Education Lessons* being implemented in the Pittsburgh Public Schools. Because of the interest and concern you have shown for this drug abuse problem, I thought you would like to have copies of these materials.

The lessons indicated in these curriculum guides will be taught during the spring term of the current school year. To prepare teachers for this activity, a number of in-service sessions have been conducted.

Thank you for your continuing interest in the activities of the Pittsburgh Public Schools.

Sincerely,

FRANCIS J. RIFUGIATO,
Director of Curriculum.

DRUG EDUCATION LESSONS: SAFETY WITH DAN-
GEROUS SUBSTANCES—KINDERGARTEN TO
GRADE 3

INTRODUCTION

These drug education lessons present learning objectives, concepts, and suggested activities for the teaching of "Safety With Dangerous Substances" for kindergarten through grade 3.

The seriousness of the drug problem re-

quires special emphasis on objective, factual information. Lessons dealing with these topics must be taught. Although a minimum of six lessons is suggested, the curriculum materials contain enough concepts and activities so that a greater number of lessons on drugs and other dangerous substances may be taught.

At the primary grade level, the goal is to alert pupils to the potential dangers of many substances, some of which are commonly found in the home, as well as to introduce the dangers of experimentation and indiscriminately "following the crowd."

Scare tactics must be avoided. It should be continually stressed that substances which are potentially dangerous are also beneficial, if used properly by adults or under adult supervision.

The suggested activities and concepts are directed to the teacher. Supplementary activities, listed at the end of the unit, include pupil activities related to the content of the lessons.

(Minimum of 6 Lessons)

TOPICAL EMPHASES

Places in the home which may contain dangerous substances.

Dangers of eating or drinking any unfamiliar substance.

Specific physical damage which can be produced by certain substances.

Dangers of accepting any substance from a stranger.

Potential harm of joining groups and their activities without understanding their actions.

OBJECTIVES

The pupil will be able to:
List several places in the home where dangerous substances might be stored.

Explain why unfamiliar substances should never be tampered or played with.

List several household substances which can be dangerous if taken internally.

Describe one example of physical harm that can result from the eating or drinking of some dangerous substances.

Explain why children should never accept anything offered by a stranger.

Discuss the danger of joining groups and their activities without understanding their actions.

CONCEPTS AND SUGGESTED ACTIVITIES

Certain places in the home may contain substances which are potentially dangerous: Ask pupils to think of places in their home where medicines and cleaning solutions are kept. Show pictures of homes and have pupils point to these places. List these potentially dangerous locations, such as the medicine cabinet, kitchen cupboards, storage closets, basement workshop.

These substances can be helpful to adults, but harmful to children when used improperly: Using a chart with pictures of advertisements for medicines, cleaning solutions, etc., discuss with pupils the proper use of these and other household items. Stress that these substances are both beneficial and necessary for adults to run a home and keep their families healthy.

Unfamiliar substances must never be played with or taken internally: Explain that these substances, although beneficial to adults who can read the labels and control usage, can be very dangerous to children who might eat, drink, or otherwise tamper with these substances. Exhibit pictures of adults cleaning house, painting, etc. Ask class members if they have younger brothers or sisters who find their way into places which might contain dangerous substances. Discuss with the class how getting older and more mature means recognizing potential danger, for example, toddlers might touch a hot stove, but school age children usually know that stoves can burn them. List on a chart some common household substances which may be danger-

ous, such as glue, cleaning fluids, all medicines, paint, paint thinners, etc.

Eating or drinking such substances may result in physical damage: Describe and list on the above chart some simple examples of physical damage which can result from eating or drinking such substances. Contrast this with the many beneficial uses these substances have when properly used. For example, explain that too many aspirins may cause a person to lose consciousness, but that the right number of aspirins can take away a headache.

Caution must be exercised by everyone in handling certain substances: Bring to class a few empty, clean containers of medicines and cleaning solutions. Read caution warnings on the labels to the class, stressing that even adults must be very careful in handling such substances. Use several analogies to explain that many things can be helpful when used properly for their correct purpose and harmful when used incorrectly.

Any substance offered by a stranger should be considered dangerous: Discuss with the class the dangers of talking with or accepting anything from strangers. Explain that although something offered may look like a familiar object, it might be a dangerous substance wrapped in something familiar. Show the films "Dangerous Stranger" (SM 557.7) and "Strangers" (SM 557.16). Stress the importance of reporting to parents or the teacher any incident in which a stranger offers something to children.

Careful thought should be given to joining a group if their actions are questionable: Show pictures and discuss with pupils the various types of friends people have, such as best friends, classmates, acquaintances, older friends, younger friends. Explain the concept of a group; i.e., a few close friends who play together most of the time. Ask pupils if they think they should limit their friends to such a group, or if they should always try to make new friends. Discuss the dangers of joining a group and its activities without understanding the actions. Explain that a group that is playing with something dangerous may say that it is safe in order to have others join. Cite some examples of group activities which are obviously dangerous, such as running in front of cars. Explain how other actions might be just as dangerous, even if they don't appear to be. Define the term "dare." Discuss the dangers of accepting or offering dares. Ask pupils if they would want a person to be their friend solely on the basis of a dare.

SUPPLEMENTARY ACTIVITIES

The following are pupil activities which may serve as supplements to the basic lessons taught by the teacher. They may be used as a followup to individual concepts, or as an integral part of the discussions.

Have pupils make displays and drawings illustrating safety necessary in the home to avoid harm from potentially dangerous substances.

Ask pupils to role play a talk with a toddler, telling him why he shouldn't open closets and cabinets and play with the things inside.

Have pupils make drawings which show how some substances can be harmful when used incorrectly and beneficial when used properly by adults.

Form a small group to present a skit on the danger of accepting anything from a stranger.

Have pupils tell what they think a good friend is. Talk about whether or not they would accept a dare, or role play situations about daring or accepting a dare.

DRUG EDUCATION LESSONS: DRUGS, ALCOHOL,
AND OTHER DANGEROUS SUBSTANCES—GRADES
4, 5 AND 6.

INTRODUCTION

These drug education lessons contain learning objectives, concepts, and suggested

activities for the teaching of units on "Drugs, Alcohol, and Other Dangerous Substances."

The first section contains lessons for grades 4 and 5. The second section, which begins after the yellow divider sheet, contains lessons for grade 6.

The seriousness of the drug problem requires special emphasis on objective, factual information. Lessons dealing with these topics must be taught. Although a minimum of six lessons is suggested, these curriculum materials contain enough concepts and activities so that a greater number of lessons on drug education may be taught.

At the intermediate level, specific effects of alcohol, tobacco, and drugs are introduced. Emphasis is placed on peer group pressure and adolescent motivations. The concepts of habituation and addiction are also introduced. In grade 6, greater emphasis is placed on the social and legal implications of misuse of these substances.

The concepts and suggested activities are directed to the teacher. Supplementary activities, which include individual and small group learning experiences for the pupil, are listed at the end of the units.

Grades 4-5

(Minimum of 6 Lessons)

TOPICAL EMPHASES

Health hazards associated with smoking. Physical harm resulting from improper use of alcohol.

Alcoholism as a major social problem. Harm of misuse of drugs. Danger of misuse of certain household substances.

Risks of experimentation.

OBJECTIVES

The pupil will be able to:
Describe three health hazards associated with smoking.

List three ways in which improper use of alcohol can harm the body.

Explain briefly why alcoholism is a major social problem.

Describe several examples of drugs and medicines which can be beneficial when used correctly and harmful when misused.

List five substances commonly found in the home which can be dangerous if taken internally.

Explain the dangers of experimenting with any substance without knowledge of its purpose and effects.

CONCEPTS AND SUGGESTED ACTIVITIES

Definite health hazards are associated with smoking, and tobacco has been proven to have harmful effects on the body: List on the chalkboard several physical hazards of smoking. Include lung and other respiratory ailments, as well as heart disease. On a diagram of the human body, illustrate the effects of inhaling cigarettes; e.g., increased heartbeat, tar accumulation in the lungs, and effects on circulation. Prepare and distribute handouts which list health hazards of smoking. Bring in several empty cigarette packs and show pupils the printed warning, explaining who the Surgeon General is and the role his office played in discovering the dangers of smoking. Ask pupils to name some habits they have themselves or have observed in other people. Discuss the difficulty involved in breaking a habit once it is formed.

Improper use of alcohol can result in physical harm to the body: List on a chart the depressant effects of alcohol on the brain, nervous system, senses, heart, the blood pressure. Hand out samples of safety literature which illustrates the dangers of drunken driving. Discuss the problem this means for society. Stress in a discussion that alcohol must be classified with other potentially dangerous substances and that great quantities can cause unconsciousness or death.

Alcoholism is a major social problem: Explain that some people are dependent upon

alcohol as a physical habit. Ask pupils what effects such a habit could have on the person and others around him. Discuss that the community has a responsibility to help persons suffering from this illness, and that several agencies exist which treat alcoholics.

Prescribed drugs and medicines have many beneficial uses: Make a bulletin board display which illustrates the many beneficial uses of drugs and medicines. Point out the difference between prescription medicines and those available to anyone. Bring in a few empty medicine containers and read warnings on the labels to the class. Stress that most drugs and medicines bear a caution not to exceed the recommended dosage and to see a doctor if symptoms continue. Discuss why these warnings are necessary.

The misuse of drugs and medicines can cause serious harm: Ask pupils to volunteer as many examples as they can of things they know to be dangerous, such as guns, knives, fire, etc. List these on the chalkboard. Then ask pupils to volunteer examples of things which can be dangerous if used improperly, but which have useful purposes, such as scissors, pencils, matches, automobiles, etc. Introduce the concept of misuse of drugs by asking pupils how they would list medicines. Explain to them that all drugs must be thought of as beneficial when used correctly and dangerous when misused. List on a chart the physical damage which can result from misuse of drugs and medicines.

The home contains many substances which are dangerous if taken internally: Display a collage of pictures showing common household cleaning or hardware solutions which may be harmful if taken internally. Discuss the common ingredients in many chemical solutions, such as lye and phosphates. Invite a science teacher to explain the effects of some of these chemicals. Stress that in addition to physical damage, eating or drinking of some substances could cause death.

Experimentation with any substance carries risks: Discuss the danger of taking internally any substance for which the purpose or effects are unknown. This can be reinforced by drawing analogies to familiar substances. Ask pupils if they would:—use perfume for a beverage—use a bad tasting medicine for a dessert. Emphasize that a substance may not look dangerous but could prove to be fatal. Ask pupils what advice they would give to a friend about to experiment with a substance which could be dangerous.

SUPPLEMENTARY ACTIVITIES

The following are pupil activities which may serve as supplements to the basic lessons taught by a teacher. They may be used as a follow-up to individual concepts, or as an integral part of the discussions.

Form a student committee to write to the Public Health Service, Washington, D.C., asking for information on the dangers of smoking. Have the committee display the materials for the class.

Have pupils make drawings which warn of the dangers of one of the following:

- Tobacco
- Alcohol
- Medicines Used Improperly
- Household Substances

Form a small group to role play a family discussion on habits—how they are formed and the difficulty of breaking them.

Ask a few students to make a display which illustrates household substances which can be helpful when used correctly and harmful when misused.

Have pupils write brief essays in which they explain why smoking and alcohol are harmful to the body.

Have pupils describe a "safe home," one in which household substances are properly labeled, kept out of children's reaches, used correctly, etc.

GRADE 6

(Minimum of 6 lessons)

TOPICAL EMPHASES

Specific physiological and psychological effects of alcohol, tobacco, and drugs.

Physical, legal, and social implications of misuse of drugs and other dangerous substances.

Legal uses of over-the-counter drugs.

Social use of alcohol by adults; legal controls regarding minors.

Motivations of peer group pressures and the adolescent's desire to "follow the crowd."

OBJECTIVES

The pupil will be able to:

Describe the harmful effects of nicotine on the heart and lungs and alcohol on the brain and nervous system.

Describe the effects of two drugs.

Differentiate between use and misuse of drugs.

Explain the dangers associated with taking drugs which have not been prescribed by a doctor.

List several beneficial uses of over-the-counter drugs.

Describe two legal and social implications of misuse of drugs and other dangerous substances.

Differentiate between social drinking by adults and misuse of alcohol.

Contribute to a discussion of peer group pressures and the desire to "follow the crowd."

Evaluate in a paragraph the reasons for and consequences of an important decision he has made.

CONCEPTS AND SUGGESTED ACTIVITIES

Alcohol, tobacco, and drugs have harmful physical and/or mental effects: Prepare a handout which lists important terms for this concept, such as tar, nicotine, toxic and non-toxic alcohol, alcoholism, narcotics, addiction, habit, etc. Discuss these terms with the class. On a chart with a diagram of the human body, trace the effects of alcohol, tobacco, and drugs on the heart, circulation, respiration, the nervous system, and the brain. Use a different color for the effects of each substance. Ask pupils why people who smoke tend to become short of breath during strenuous activity faster than non-smokers.

There are many disadvantages to smoking: Have pupils suggest what they think other disadvantages of smoking might be. Ask them to contrast these with any advantages they might see. Ask pupils what they think of the many cigarette commercials. Discuss the television ban on such advertising. Ask pupils why they think regulations are necessary for substances such as tobacco.

Alcohol, when misused, can be harmful both physically and mentally: List the names of the poisonous types of alcohol; i.e., methyl, denatured, wood. Explain that it is difficult to distinguish the poisonous and nonpoisonous, and that death may result from internal use. Conduct a class discussion on the dangers of experimenting with any substance when its purpose and effects are unknown. Discuss the use of alcohol by adults as a social aspect of entertaining. Ask pupils to remember the effects alcohol has on the body and then discuss why it is illegal for minors to drink alcoholic beverages. Lead a discussion on the dangers of accepting anything from a stranger or buying anything illegal from someone, even an adult.

Alcoholism is a major social problem: Ask pupils to name as many common illnesses as they can. Introduce alcoholism as a disease, stressing that it must be treated and its victims helped, as with other illnesses.

Misuse of drugs can result in physical and/or mental addiction: Write two columns on the chalkboard: "Narcotics" and "Other Dangerous Drugs." Under narcotics, list opium,

heroin, morphine, and codeine. In the second column, list cocaine, amphetamines, barbiturates, and hallucinogens. Rather than giving a detailed explanation of the characteristics and effects of each drug, aim at establishing the idea that all of these drugs, if taken continually, can lead to dependence. Discuss habit formation, explaining that physical dependency and mental dependency can be equally harmful. Ask pupils what they would do if someone, even a close friend, offered them one of these drugs.

Misuse of legal drugs can be harmful: Explain that some drugs are illegal and that others do have legal uses, but are illegal when misused.

Scientists continue to conduct studies on marijuana: Discuss the unanswered questions about marijuana, such as its mentally addicting potential. Ask pupils if they would try something without knowing what would happen to them. Discuss the risks one takes when experimenting with anything questionable. Include a discussion of the misuse of over-the-counter drugs, asking pupils what risks are run when something is used for reasons other than its intended purpose.

Misuse of dangerous substances has serious legal implications: Discuss in simple terms how the government regulates and controls potentially dangerous substances. Ask pupils why they think punishment is worse for selling drugs than it is for possessing or using drugs. Introduce the concept of rehabilitation.

Peer group pressure and a desire to "follow the crowd" are factors which often motivate adolescents: Ask pupils what reasons they usually think of when making a decision to do or not to do something. List these on the chalkboard. Be sure that the following bases for decision-making are included: Something is good or bad, right or wrong; Parents or other adults will approve or disapprove; Any dangerous consequences which might occur; "The crowd" is doing it; Friends encourage it. Have the class agree on some rank order of what factors *should* be the most important. Ask pupils if they *actually* are influenced the most by these. Discuss the concept of a "crowd" and "peer group pressure." Ask pupils to define "growing up, becoming more mature" Discuss individuality and a person's ability to make his own decisions. Present a hypothetical instance of "the crowd" or close friends urging someone to do something he knows is dangerous. Ask each pupil what his reaction would be.

Every person must learn to honestly evaluate his motivations for his actions and to identify possible consequences: List several actions on the chalkboard, such as: Cheating on a test; Lying for a friend; Lying to parents; Accepting a dare; Do something dangerous because everyone else in the crowd is doing it. Ask pupils to think of possible reasons a person would have for each of these actions. Have pupils identify possible consequences of the actions.

SUPPLEMENTARY ACTIVITIES

The following are pupil activities which may serve as supplements to the basic lessons taught by the teacher. They may be used as a follow-up to individual concepts, or as an integral part of the discussions:

Form three student committees. Assign each committee one of the following: alcohol, tobacco, and drugs. Instruct committee members to go to the school library and research sources on the effects of these substances on the body. Have each committee report its findings to the class.

Encourage pupils to write short essays on one of the following topics: "Why I Would or Would Not Smoke"; "Why Alcohol Is Illegal for Minors"; "Why Is It Dangerous to Use Drugs or Medicines which Have Not Been Prescribed."

Ask a small group of pupils to write to the Food and Drug Administration, Washing-

ton, D.C., and report to the class on how the government controls and regulates certain drugs and medicines which are legal, but liable to abuse.

Have pupils make bulletin board displays which illustrate the social implications of misuse of certain substances, such as parental and adult disapproval, legal aspects, etc.

Encourage pupils to write samples of public service messages warning of the hazards of misuse of the substances covered in the unit.

Ask pupils to prepare a collage of magazine pictures which illustrate social uses of alcohol. Pupils could be encouraged to write essays describing their opinion of the effects of advertising on people's smoking and drinking habits.

Have pupils write short stories about a person faced with a difficult decision.

RURAL DOCTOR SHORTAGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues the perceptive comments of Dr. Merritt Alcorn of Madison, Ind., concerning the shortage of physicians in rural America. His comments were given in a conference on community health problems held in Madison on April 24, which I had the pleasure of attending. They follow:

DOCTOR'S SHORTAGE IN RURAL AMERICA

Ask any citizen in almost any community in rural America what the major community problem is and he will very likely tell you that it is difficulty in obtaining the services of a physician. We need no statistics to document this acute problem. Often the seriousness of this problem is not fully appreciated because it is much greater than just the lack of medical care. It is *frightening* to be long distances away from medical care when a serious accident occurs or chest pains begin or there is the suddenness of labor pain. It is *expensive* and *time consuming* to have to travel a long distance in order to get routine care such as the immunization, etc. But probably the greatest problem of all that a community faces when it has lost all of its physicians, is that of economic decline. No industry can be brought to a community that is not complete in its services, and those industries that are present begin to leave, and we watch the loss of young families from the communities that could be the best environment for family life.

The physician shortage in Rural America is a result of some unfortunate interrelated problems that have never been given sufficient interest.

1. Each community has fine, young, intelligent men who come from families who have the resources for them to attend medical school and who are inspired and desirous of becoming physicians, but because they came from a rather poor high school environment and didn't make a "B" or better average in their college work are denied an opportunity to even try to become a physician. I seriously doubt that there is any one in this room that doesn't personally know of cases of young men and young women who had to face rejection from an opportunity to enter their chosen profession. This is heartbreaking and in and of itself a very serious problem. This problem

is extending to other graduate training areas as well.

2. If a student is accepted to Medical School his training is oriented to the practice of medicine in a large, metropolitan, institution. This is perfectly natural since the physicians who teach him live in a metropolitan area. They practice and teach in large metropolitan hospitals and there is no real reason why they should have an understanding of the rural areas and the type of practice needed.

3. Because students are a selective, highly academic group, they tend to be oriented to research, teaching or specialties. A lot of the work of this country is done by good, hard-working, "C" students and we don't get them in medicine.

4. When he completes his training in medical school and goes into an internship he is wooed and offered special privileges by each of the clinical departments. So that once again the young man who might have wanted to be in Family Practice in a rural area has been pushed and guided toward the specialties. Only in recent years have some of the universities set up departments of Family Practice.

The pressure for larger medical school classes will be met by the cry "we need more money!" and "we must not lower standards!" Don't buy either of these arguments.

What is needed is a better use of money. I see large sums of research moneys virtually wasted and a new 20 million dollar building, but I don't see many good full time teaching professors in the medical school with which I am affiliated.

Indiana University, with support of a Governor's commission, has worked out a plan that would enlarge enrollment by 100 students (the equivalent of another medical school). The plan is great! The legislature should have doubled the \$3,000,000 appropriation asked for and told them to enlarge the program. Instead they cut it in half. And the Federal Government should be looking at this program for use in other schools. Do larger classes lower standards? Maybe! but, if you look around us in adjacent counties, the only doctors we are now getting are from the Philippine Islands where the classes are larger. For us the question is academic.

Probably the greatest area of need in attracting physicians to rural communities is in the area of identifying the qualities of a community that would attract physicians. I do not believe this would be difficult to analyze but I am not aware of anyone who is really making an analysis of these needs:

1. It is obvious that a physician needs a modern, well-equipped place to practice (a scientist does not work in a garage). This needs to be a hospital. It would most likely be a very limited hospital that would be a satellite from a larger community hospital which would offer to the satellite administration, supervision of nursing, dietary service, etc. There are now laboratory corporations that can provide the fullest laboratory services into any community on an overnight basis. There is no reason why a community hospital should not have as good a laboratory as the largest metropolitan hospital, with laboratory services being just as prompt and probably less expensive. Electrocardiogram interpretation can be instantaneous by computer. Such facilities, *properly conceived*, could perform the function of being a modern place for a practice of medicine and at the same time be economically feasible.

2. A physician must, in this day and time, practice with the association of other physicians. He needs to have an internist, a surgeon, an orthopedist, and obstetrician, a pathologist, and a radiologist, available for consultation. He also needs the association of other physicians in discussion of patients and in formal study sessions of con-

tinuing education. This could easily be available through a close association with the medical staff of an adjoining larger community hospital.

3. The people of the community need to have a better understanding of the physician today. He is not like his predecessor. He is a highly trained scientist who is dedicated to his work but who also expects to have time with his family and time for recreation that is not interrupted. The community must recognize him as a human being and help protect him from many of the abuses that have driven physicians out of the rural community into the cities.

All together, the effects of the shortage of physicians in rural communities have not only been frustrating but at times almost chaotic. And, we see frustrated community citizens putting up signs for physicians, sending delegations in all directions and building poorly conceived clinic buildings and hospitals with what seems to be no direction from sources that could be of help; and, too, we see politicians taking advantage of the emotional issue with attempts to pass all sorts of laws most of which would only complicate the situation further; and thirdly, we see a real breakdown in rapport between the citizens in the community and the health organizations and institutions.

I believe there is an answer, I don't think it would be difficult if the problems would be carefully identified and solved in a calm, intelligent, manner. For this, we must look to our state and federal government because this is where the financial resources lay. We see massive programs of giving people financial assistance to pay for very expensive medical services when the medical services could be reduced in cost if money could only be spent in the right place for the right thing. Think for just a moment what might have happened had the money been spent for a different motive. Suppose federal funds were given to the medical schools in proportion to the number of MD's that were graduated with double bonuses for those MD's that went into Family Practice. What a difference this approach might have made, but there was no one pressuring for this approach. The pressure came for Research funds and for buildings.

I think it is time for us to stop blaming other individuals, other groups, other political parties, and blame ourselves for not being concerned and organized enough to bring pressure upon our representatives to identify the problems that we face and to help work out the solutions that we need. I wish to bring to you representatives three challenges.

1. I challenge you to work closely with us in identifying the problems that have caused shortage of physicians in rural America and to work closely with us in trying to find the solution to these problems. There are many times when we need help in getting ideas organized and presented properly so that they are effective.

2. I challenge you to be our voice that these ideas may be heard in the right places and help us to create pressure that we might get a response.

3. I challenge you to help us find resources. Help us cut the maze of red-tape, to find the right categories of funds and to prepare the right kind of project requests. We lack the sophistication of large financial institutions, such as Medical Schools and large, metropolitan hospitals, and large research institutions. You can do us a great service by representing us and helping to overcome this limitation.

Basically, I am challenging you to work with us, and, at the same time, I am challenging us to work with you to do something about problems that are very important.

OVERINVOLVEMENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ROSENTHAL. Mr. Speaker, the recently retired American Ambassador to the United Nations, Mr. Charles W. Yost, described in a recent article in the Washington Post his efforts to outline a solution to the impasse on Vietnam peace negotiations both before and during his service at the United Nations.

While those efforts failed, Mr. Yost still believes that we can break that impasse today by setting a date for our withdrawal from Vietnam and by reaffirming the Geneva accords of 1954 and 1962. His arguments bear the most careful examination for, I believe, they are absolutely sound and eminently practical.

In an enlarged footnote to this article, Ambassador Yost, whose U.N. duty climaxed a distinguished career in the foreign service, defines most clearly the errors which led us to our present predicament in Vietnam. I include that part of his article below:

EIGHT ERRORS CAUSED OVERINVOLVEMENT

The direct and massive U.S. military involvement in Southeast Asia beginning in 1965 was grossly disproportionate to any national interest the United States had in the area, and soon proved to be prodigiously damaging to the welfare of the Vietnamese and Laotian people. There are many reasons why this highly motivated but disastrous miscalculation by U.S. leadership occurred. In my view, eight major errors of judgment caused us to get in so deeply:

1. The first was the belief that Communist China had in the 1950s and 1960s both the intention and the capability to extend its dominion beyond its borders, especially southward either through invasion or, more probably, through "wars of national liberation" which it would inspire and support. In the cooler light of hindsight we can now note that, with the exception of the war in Korea, which was certainly felt to be defensive, and the war in Vietnam, which derives almost wholly from Vietnamese rather than Chinese inspiration, Communist China has shown little intention or capability of involving itself directly or indirectly in military adventures outside its borders.

2. The second mistake in judgment, the "domino theory," was the belief that Southeast Asia outside Vietnam was acutely vulnerable to wars of national liberation or to subversion and takeover; that if South Vietnam fell, others were almost certain to follow. This error arose from an indiscriminating extrapolation of the situation in South Vietnam, which for 10 years prior to 1954 had been deeply infested at the grassroots with Communist cadres, to the rest of Southeast Asia, which had not been penetrated to anywhere nearly such a degree. Of course the extension and conduct of the war in recent years have made Laos and Cambodia much more vulnerable to takeover than they were in the 1950s.

3. A third error in judgment was the belief that North Vietnam, if partially or wholly victorious in the South, would serve thereafter as a complaint instrument of Communist China. Actually, as the history of the past 25 years has amply demonstrated, only the Yugoslav Communists have rivaled the North Vietnamese in stiff-necked recalcitrance and independence.

4. The fourth error was in imagining that NATO could be duplicated in Southeast Asia and in setting up there a purported military coalition which was in fact only a facade for unilateral U.S. support of several weak countries. Nevertheless, SEATO had the effect of committing the United States to a deeper and more formal involvement in Southeast Asia than was wise, without in fact significantly increasing its capabilities there.

5. Perhaps the most decisive mistake made in Vietnam and, for a time, in Laos was, on the one hand, U.S. insistence that regimes it supported be 100 percent anticommunist and antineutralist and, on the other, its failure effectively to insist that the support it so unstintingly provided these regimes be used to carry out reforms which might have given them an expanding popular base.

6. The sixth mistake arose from the extravagant faith in "counter-insurgency" which swept Washington in the early 1960s. Based on the correct assessment that Communist aggression was henceforth more likely to take the form of insurgency than of massive attacks across frontiers, it nevertheless enormously overestimated the capability of U.S. forces, no matter how thoroughly trained for this purpose to conduct this highly sophisticated and acutely political type of warfare in environments where language, customs and physical conditions were so wholly alien to them.

7. The seventh error was also a military one: U.S. insistence on organizing and training most of the Vietnamese forces, from 1954 on, to fight a European or Korean-type war rather than to counter insurgency. Serious efforts have been made in recent years to correct this error but even now the ARVN is still trained to fight with massive air and artillery support, which obviously will be far less effectively available when the Americans depart.

8. The final error of judgment occurred repeatedly after our massive involvement, when we so often neglected or fatally compromised potential opportunities for negotiation, either for ephemeral military advantage or for fear of causing trouble with and for the Saigon government.

THE ALTERNATIVE—IT MIGHT STAND ALONE BUT IT SURE STANDS TALL

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BRAY. Mr. Speaker, not long ago a new magazine called the Alternative, the product of some graduate and undergraduate students at my alma mater, Indiana University, first appeared.

The following article from the April 16, 1971, Louisville Courier Journal describes this unusual magazine, and it will be my privilege and pleasure to insert excerpts from the magazine into the RECORD in the future:

CONSERVATIVE JOURNAL IS THRIVING AT INDIANA UNIVERSITY

(By Warren Buckler)

BLOOMINGTON, IND.—The Alternative published here by a group of undergraduate and graduate students at Indiana University, is a most unusual magazine.

To begin with, as a national journal of moderate and conservative student opinion it stands almost alone among a welter of

New Left, radical and revolutionary publications.

Now, consider some of The Alternative's other characteristics:

It takes a very skeptical view of the "youth movement" and the "generation gap" (which its voluble editor-in-chief, Bob Tyrrell, says was invented by the news media and institutionalized by Madison Avenue), and ridicules the notion that young people "think purer, more luminous thoughts than adults."

Its editorials argue that America is morally and culturally adrift and needs to anchor herself again in "reason and intelligence." Otherwise, a recent issue warns, the "humane values of American civilization will quietly fall away. . . ."

It delights in irreverent comment on liberal rhetoric and in learned critiques of New Left ideas.

Its style is intellectual, argumentative and satiric. The editors prefer discourse to dogma and multisyllabic to four-letter words.

It runs articles praising Vice-President Spiro Agnew and U.S. Sen. James Buckley of New York.

It has been the subject of a laudatory column by William F. Buckley Jr., the conservative sage and journalist.

Curious as to how a magazine recommended by Buckley is making out in liberal-infested academia, I recently paid a visit to Bob (R. Emmett) Tyrrell, who is working on his Ph.D. in history in addition to editing The Alternative.

Tyrrell, 27, lives and works on the second floor of the magazine's editorial office, an old gray farmhouse called The Establishment, about five miles west of Bloomington. Downstairs are the business office, meeting and recreation rooms.

As he ushers you into the John Slidell room (named after a Confederate diplomat who "falled at everything he did"), Tyrrell points to the decor—a Russian flag, allegedly stolen at the 1960 Olympics by an IU swimming champ, and a South Vietnamese flag.

His office is cluttered with books, papers, periodicals and autographed photographs of political figures. A picture of President Warren G. Harding, comfortably seated, hangs over the window. Would-be president Eugene McCarthy stares at you quizzically from a poster on the back wall.

Tyrrell discusses complicated ideas and uses obscure words with all the zest and mental agility, if not the experience, of a Buckley. He is also a master of the put-on.

The Alternative, he tells you in his most serious, newspaper interview voice, has had a profound influence on America's political and intellectual life for five decades.

Presidents, from Harding to Nixon, have read and praised it, although they have usually rejected its advice. Tyrrell has framed letters written on White House stationery to back up his boast.

The founders, you eventually learn, were Truman Newberry, "the only man ever kicked out of the Senate for spending too much on his campaigns," and George Nathan, who "represents all that is awful in American life."

In its early years, however, The Alternative reached a limited audience, because—and here his tale begins to strain your credulity—Nathan and Newberry wrote their articles on restroom walls. Harding, for one, was said to have been quite content to read them there.

It wasn't until 1967 that Tyrrell and Jefferson Davis, a fellow IU student, made up their minds to print the magazine on paper.

Here the preposterous comic history ends and the serious talk begins.

"We decided campus unrest was here to stay and that it was going to be nasty," he recalled. "All the talk that young people would usher in an age of peace and gentleness was nonsense, we felt. In 1967, we said

that radical students are not idealistic, but violent, anti-intellectual, anti-aesthetic and totalitarian.

"After our first issues, we were made out to be dangerous reactionaries. But most of what we said has come to pass."

The most influential spokesmen for the intellectual community, Tyrrell went on, "are attacking the entire system. So the system must develop its own supporters or crumble."

"The Alternative is an attempt to develop among young people intellectuals who will defend the values worth defending in the American system. And there are many values worth defending."

At first, The Alternative under Tyrrell circulated mostly in the Bloomington area. Typographically, it was not inspiring.

And then, just about a year ago, came Cambodia.

"Last spring was an outrage," Tyrrell recalled. "People were claiming the world was coming to an end just because of our Cambodian incursion. I wonder how they feel about it today? Students were shot, buildings were burned and university presidents were toppled. Everyone was making a perfect fool of himself. . . . I was struck by the foolishness of the intellectual class."

So the editorial staff decided it "had to turn this magazine into a national review of events. We had to get a bigger audience."

Although The Alternative now has some 30,000 subscribers all across the country, it claims three main "colonies"—Bloomington, where it is edited, Chicago, where it is printed, and Harvard University, where it has a substantial following.

The format is somewhat reminiscent of the New York Review of Books, or of one of the tonier British journals of opinion. It is printed on newsprint. Political caricatures adorn its covers. And its columns are packed with articles, reviews, editorials, letters, and a monthly collection of excerpts from the "liberal" press called "Brayings from the Left."

The magazine has only a handful of advertisers, including The Young Americans for Freedom, a conservative student group, Sarkes Tarzian, a Bloomington businessman and publisher, and few others. But contributions from Hoosier businessmen keep the venture financially afloat.

The magazine's writers are students, faculty members, free lancers. Speeches by Daniel P. Moynihan, former counselor to President Nixon, are reprinted from time to time. A Harvard student reports regularly on "the latest enormities committed by the barbarians of virtue" in Cambridge, Mass.

But Tyrrell's irrepressible prose sets the tone and style.

He reserves some of his sharpest barbs for intellectuals who have developed a contempt for lawfulness and reason while "hot on the trail of justice."

"Their criticism of America's imperfections has been transformed into disregard and finally distaste for their country," he wrote in the latest issue. "The American intellectual has grown weary of debating principles and discriminating vices and virtues. Indeed, so dissipated has he become, that today the American intellectual is—at his best—a first-rate juggler of second-rate ideas, and—at his worst—a religious fanatic mindlessly intoning a litany of buncombe."

He is particularly offended by liberal professors who won't defend their liberalism now that it has "come under the assault of its own children."

"It served us well for 20 years, and they should defend it," he commented. "But they don't. They just stick their heads in the ground. There are many oriches on campuses today in tweed suits."

When Tyrrell tangles with the radicals, he

can draw on his own experience for ammunition.

In the early 1960s he was "culturally a hippie and politically a liberal"—if he paid any attention to politics at all.

Then, during a visit to New York's Greenwich Village, he discovered that many of his old friends had changed. First of all, they wanted to "politicize" and change everything. Secondly, they had become attached to a "strange new religion—LSD."

"I saw LSD sweep through the Bohemian communities," he recalled. "It changed people incredibly. LSD didn't become the religion of the future, but turned out to be just another pestilence. And it ruined the lives of a lot of young people."

When he returned to Bloomington, he found that "ritualistic liberal professors at IU were praising LSD." He wonders now if any of them have any qualms of conscience about persuading kids to try the drug.

"This experience changed my perspective," he recalled. "I stopped and wondered if we shouldn't examine new trends more critically."

Here's what he has to say about two of America's leading politicians:

"Nixon is the most innovative president we've had since (Franklin) Roosevelt's first term. But he is utterly uninspiring to the intellectuals. He has tried very hard, but he can't work magic on the spirit, and that's what Americans need."

"Maybe The Alternative will come out for Teddy (Edward M.) Kennedy, because what America needs is something to believe in."

ADDRESS OF SENATOR HERMAN TALMADGE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mr. DORN. Mr. Speaker, Senator HERMAN TALMADGE delivered a timely and superb address to the recent 22d annual meeting of the American Textile Manufacturers Institute. I highly recommend a careful study of this outstanding speech to my colleagues in the Congress and to the people of the entire country:

ADDRESS OF SENATOR HERMAN TALMADGE

Anyone looking over the program for this 22nd Annual Meeting of the American Textile Manufacturers Institute could not fail to be impressed with the scope and diversity of the subjects you have been considering this week.

As one who has had an abiding interest over the years in the well-being of the textile industry, I am pleased to see the way in which you are coming to grips with the problems that face you as businessmen and as good corporate citizens.

You have had some very fine presentations dealing with the economy in general, the need to preserve our environment and the ever-growing demands of the American consumer.

It is well that you have stepped back from the day-to-day problems of your business to give some hard thought to where both your industry and the nation are headed.

There can be little doubt that we are in the midst of one of the most critical periods in history insofar as allocation and utilization of both our human and natural resources are concerned.

Who among us did not feel great national pride when United States astronauts took that "one giant step for mankind" on the moon last year? But, after the original ex-

citement died down, we started asking ourselves what we had accomplished. Many people began wondering if we should not reorder our priorities. Many asked if we should not start devoting more of our resources to solve some of the critical problems back here on earth. I for one believe we should.

No American housewife would be willing to give up her automatic dishwasher or clothes dryer. Not many businessmen would give up their air-conditioned offices. But we are now beginning to ask ourselves what doubling our electric generation every 10 years is doing to our environment.

Farmers found effective ways to fight crop disease with new sprays and powders. Then along came Rachael Carson with her "Silent Spring."

Government officials and private citizens alike are becoming concerned. We must determine how we can best use our human and natural resources as our population swells to 237 million in the next 10 years. No one wants to stand in the way of progress. But there can be little doubt that the time has come to give consideration to a new set of priorities.

However, we must move with care. Environmental problems must be tackled. We cannot shy away from them and pretend they don't exist or that they will go away. They are very much a part of the world we live in. And, instead of disappearing, they are going to get worse in the years ahead, unless we in government and you in business coordinate our efforts and put more of our resources to the task of finding ways and means for solving these critical problems.

What we must guard against, however, is extremism that serves only to inflame and further complicate an already difficult situation. We can and will go to work on these problems. But we can do a better job in an atmosphere of calm and responsible action—as opposed to fanaticism or demagoguery.

One of the most important matters before Congress right now is the question of how we are using, or misusing, our human resources. In recent years, the Congress has spent more money and more time on problems related to unemployment, underemployment and poverty, than ever before.

Just last week Congress up-dated the Social Security system by giving our retired folks a 10 per cent increase to help offset some of the inflation that erodes their incomes.

Our next step will be to focus on the chaotic welfare system. By almost any standards, it must be judged a dismal failure. We now have 13 million Americans on welfare. Welfare rolls increased by 20 per cent in the last year alone, and costs are soaring. The welfare program, at all levels of government, is completely out of control. It already is breaking cities. It is threatening to bankrupt states.

No one can estimate how many tax dollars spent on welfare are being lost in waste, inefficiency, or plain dishonesty. A recent survey showed, for example, that in Nevada, 22 per cent of those receiving welfare benefits were doing so illegally. The welfare mess in New York boggles the imagination. Newsweek magazine a while back reported the case of a 35-year-old man, educated at Harvard and Columbia in science, who turned to welfare, apparently, simply because he didn't want to work. There seems to be a growing army of people in this country who think going on welfare is the thing to do these days.

Welfare used to be something for dire emergencies only. It was a last resort for those who as a result of age, illness, disability, or other circumstances could not work for a living.

Now it has become a way of life. It has become one of our biggest businesses. It has attracted a whole new breed of politicians and political activists who feed off of it.

Unfortunately, it is a non-productive industry . . . a non-productive industry, where some feel they have a basic constitutional right to live off of the productive segment of the economy. And on top of that, they demand—not ask—but demand equal standing with the productive area of our society.

The welfare reform plan now before Congress is called the Family Assistance Plan. It is really a guaranteed income plan. By way of example, see how it would work in New York with a particular family:

A female-headed family of four with no income would receive the following benefits: A \$1,600 federal cash payment, a guaranteed minimum payment; plus \$2,156 in state supplements; plus \$312 in food stamps; plus \$1,153 in medicaid; plus \$989 in public housing.

That comes to a grand total of \$6,210.

Now if the family head went to work and earned \$7,000, she would pay \$971 in federal, state and Social Security taxes, leaving a net income of \$6,209. By working she would get one dollar less than what she would get for doing nothing.

I guess that is what a "dollar a year man" means in today's society. It's someone who can take home a dollar a year more—or in some cases hundreds of dollars a year more—by not going to work.

Franklin D. Roosevelt, whom I don't ever recall being typed as a conservative, issued a warning in a message to Congress 36 years ago. He said, "continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit."

Today we have third and fourth generation welfare families. They know no way to live other than on welfare. Their children probably will know nothing else as long as we continue along the course on which we are now headed.

Apparently, in total ignorance of the mess we are already in, the Administration has come forth with legislation which, if approved in its present form, would add 12 to 15 million more people to the welfare rolls.

There can be no doubt that welfare reform is needed. Everyone in this room will agree to that. Every worker, every taxpayer in America would especially agree. But the reform we need must be directed toward training people and getting them off welfare, rather than just compounding mistakes of the past.

Both in the Senate Finance Committee and on the floor of the Senate, I have worked to build more work incentives into the welfare program. That is the way to real welfare reform.

In 1967, the Finance Committee designed the work incentive program, now a part of the Social Security Act. I supported that program in 1967. I continue to support its concept today.

In administering the program, however, the Labor Department has failed to meet the promise of the legislation. That promise was to help lead welfare recipients into useful, productive, independent lives. This just isn't being done under the present program.

Last year, as a constructive alternative to the wholly inadequate work training provisions of the Administration's welfare expansion bill, I introduced an amendment designed to make the work incentive program the kind of success we had all hoped for. My proposals were adopted by the Finance Committee and incorporated into the bill that passed the Senate last year by a vote of 81-0.

Unfortunately, the time ran out. The measure was never enacted into law. I have, however, re-introduced my bill, and I hope we will get something done on it this session.

The purpose of this bill is very simply. It would take the emphasis in the welfare program away from the dole and place it on work training.

Under my bill, the Labor Department would be required to spend at least 40 per cent of the expenditures in the work incentive program for on-the-job training and public service employment. As an incentive to employers in private business—to encourage them to participate in this practical job training program—we would offer a tax credit. No work incentive or job training program can ever be successful unless we have the full cooperation of private business.

The bill has a number of other provisions designed to put presently unemployed people—or those who may think they are unemployable—to work.

Incentive programs, employee training and enough jobs to go around in an expanding economy are the only means for reducing this horrendous welfare burden from our tax-paying citizens.

This leads me to a second important consideration where our human resources are concerned. I mean, of course, sustaining a healthy level of employment.

Last year when the so-called welfare program was being considered in the Senate, it became combined with trade legislation and the social security bill.

The liberal free trade press screamed to high heaven that it is a terrible thing to combine welfare and trade legislation.

I say nothing could be further from the truth. It is obvious to me that the problem of welfare, unemployment, job security, and international trade, cannot be separated.

When we talk about trade legislation, what do we really mean? We are talking about American jobs. We mean the protection of the American worker—the wage earner, the taxpayer—against being driven out of a job by unfair foreign competition.

Anyone who cannot relate trade problems with this country's unemployment, or with the fact that more and more people are being driven to public welfare, just does not have a very good grasp of the situation.

Let me put it this way. What good does it do to spend millions of dollars to train workers and prepare them to earn a decent living, and then turn around and literally trade off hundreds of thousands of American jobs—such as those that are now being exported in the United States textile industry, and in many other industries as well?

I submit, therefore, that America's monumental welfare program is very much directly related to the international trade picture and our ability to produce and furnish jobs for American people. And I mean more than just the ability to maintain jobs we already have. We have got to grow, and create more jobs, and train more and more people for these jobs. When we can do this, we will be heading down toward the end of the welfare road.

If there is one important point that I desire to make today, it is this. The wealth of a nation is determined by its ability to produce.

Welfare produces nothing. It, in fact, eats away at our economy and dissipates our strength and resources.

Why are other nations throughout the world getting rich—like Japan, which is well on its way to becoming number two in the world in gross national product.

Not because they have more ingenuity.

Not because they have more technological or scientific knowledge.

Not because they have more people.

Not because they have more money.

These nations are moving forward simply because they are producing.

It is one thing to talk about dividing wealth. It is quite another to talk about creating wealth.

Unfortunately, in recent years the United States has done too much of the former and not enough of the latter.

There are many, many significant lessons in history. The Roman Empire first got into trouble when the people learned they could vote themselves money from the public treasury. They did so and quit working. It took the Roman Empire some 300 years to go under. But nevertheless the lesson is there.

When there is insufficient production to provide the money people vote back to themselves, decay and atrophy set in. If the American people are going to persist in having more and more money voted back to them, there must be sufficient production to back up this action. So long as we continue to stymie industrial growth and to send American jobs overseas, we are not going to have the kind of production I am talking about.

This is simple economics. It is simply a matter of putting our own national interest above that of any other nation.

I don't think it is necessary to stand before you, of all people, and relate the problems our country has created for itself as a result of unrealistic and out-dated international trade policies.

We have already permitted imports of textiles and apparel to build up to the point where they displace the equivalent of 400,000 jobs. Textile and apparel employment in February was down 70,000 from last year.

Now we have the Japanese textile industry coming forth with an offer which would lock in that job displacement. In addition, they want a five and six per cent increase, compounded each year. That would displace another 20 to 25,000 jobs a year.

Many of these jobs that we are permitting imports to destroy are the same types of work we are trying to create with our welfare and job-training program.

Think about 400,000 new jobs scattered throughout Appalachia and apparel centers in New York and Pennsylvania—and across economically impoverished rural and small town areas. Think about what that would do toward reducing the cost of welfare.

More than 14 per cent of textile workers nationally are black—far ahead of the national average for manufacturing industries. In some mills and in some areas, black textile employment is as high as 50 per cent.

Forty-five per cent of the textile jobs, and nearly 80 per cent of the apparel jobs are held by women who provide support for their families or supplement the earnings of their husbands.

We simply can't afford to sacrifice this payroll to a blind commitment to some fuzzy notion about "free trade."

For more than two years, the Nixon Administration, with the strong backing of Congress, has been trying to negotiate voluntary agreements to save this payroll and bring about orderly trade in textiles.

We all know how hard Secretary of Commerce Stans has labored to bring about negotiated agreements which would be fair and reasonable.

But these efforts have failed. They have failed because the textile exporting nations—led primarily by Japan—have flatly refused to negotiate in good faith.

We tried to correct this problem by legislation last year, as you know. We almost succeeded.

The House passed the Trade Act of 1970 by an impressive margin. We voted it out of the Senate Finance Committee and got it on the floor of the Senate. Unfortunately, time ran out, and the measure never came to a vote.

I want to say right here and now—and I hope they are listening in Tokyo—that the patience of Congress is worn thread-bare. We have had enough of the dilatory tactics, and the arrogance, of the Japanese, who after two years of genuine compromise by our gov-

ernment and the textile industry, have now come forth with an utterly worthless offer.

The Japanese scheme is founded on the shaky premise of self-regulation by Japanese textile manufacturers. They have no interest whatever in the well-being of our 2.4 million textile and apparel workers.

The American textile industry is being told, in effect, to abandon its basic responsibilities, and let the future shape of our industry be determined in Tokyo.

The plan would start at the highest level of imports on record, a level which includes individual product penetration of as much as 50 per cent of the domestic market. They also want five and six per cent annual growth, compounded, whether or not growth actually occurs in the American market.

Their plan would encourage shifts and concentrations. It would permit them to zero in on any segments of the market with as many imports as they see fit.

There is no government-to-government involvement. They Japanese Textile Federation could back off at any time it saw fit.

This plan has been severely attacked by the 175 members of the informal House Textile Committee. Opposition is building in the Senate. President Nixon has forcefully rejected it.

Anyone who seriously studies the proposal would see it for just exactly what it is—an arrogant attempt to undercut the long efforts of Congress and the Administration to solve this problem in a fair and reasonable way.

We cannot and will not permit Japan and the other low-wage countries to continue to take bigger and bigger chunks of our textile market as a reward for their intransigence.

I am not going to attempt to detail here today what the next steps will be. Several possibilities are under consideration. I can tell you, however, that the Senate is not going to abdicate its responsibilities. We are not going to turn the future of this industry over to foreign manufacturers.

I also know that you, as leaders of one of our most basic and essential industries, are not about to abandon the four million Americans who earn all or part of their livelihood from textiles.

The people in the Congress who represent these four million people, likewise, will not give up on this cause until a fair and reasonable solution is found.

WHAT HAS HAPPENED TO PATRIOTISM?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. CARTER. Mr. Speaker, on the night of April 9 of this year, I was fortunate to be a guest of the county extension agents of my district. On that occasion I was greatly impressed by a speech given by Miss Diane C. Childress of Liberty, in Casey County, Ky. The message was so meaningful and so inspiring to me that I include it for the perusal of the Members of this body:

WHAT'S HAPPENED TO PATRIOTISM?

Go back in time with me approximately 190 years. Our country is in a strange sort of undeclared war against the forces of despotism, then as now. A young man volunteers to go behind the enemy lines to collect information. He is captured, tried as a spy, and publicly questioned.

Surrounded by the jeering foe, cut off beyond all hope of rescue, the rope already knotted around his bared throat and the pallor of approaching death already on his

cheek, he breaks his steadfast silence. With the wind of another world cold upon his forehead, he speaks one short sentence, and his words echo down the corridors of time to us today; "I only regret that I have but one life to give for my country."

Nathan Hale's statue, with the throat still bared, stands today gazing with blind stone eyes across the green park in New York City—What were those blind eyes looking for a few years ago, I wonder, when for the first time in our history a number of young men sold out their fellow American soldiers, licked the boots of the brutal Chinese and North Korean invaders, and made tape recordings praising Communism.

What has happened to Patriotism—Nathan Hale's kind of patriotism?

Have we as a people become less idealistic, more sophisticated, less dedicated? I'm afraid that many of us have and it isn't a good thing for the country. The future belongs to people and nations who believe in themselves, in what they stand for, and what they are doing.

From the viewpoint of history, the years between World War I and World War II were an exceedingly short span of time. Yet even in that brief period General Eisenhower noted a change in the American G.I., a change which perplexed and saddened him. The American Army in the first World War was a singing army; in the second it was not. Though our fighting men did their job bravely and well, somewhere along the line they had lost the zest and enthusiasm of their fathers who fought "to make the world safe for democracy."

What is so different about the modern generation? Are they simply less gullible, more worldly-wise than their predecessors? Is that why patriotism as we have known it in the past has suddenly become old fashioned?

Perhaps, but I truly doubt it. If recent generations are less patriotic than their predecessors, it is because we have made them so. Whether we like it or not, this is our doing, yours and mine. Consciously or unconsciously, patriotism has been de-emphasized in our schools and our society. Many of today's youth simply do not know enough about how our country came into being, what it stands for, and the courageous and noble things their fathers and forefathers did to preserve it. Without tremendous pride in their country, without a deep belief in its essential goodness and nobleness of purpose, why should they be willing to fight and die, if necessary, in order to preserve it? We have been so busy educating for "life adjustment" that we forgot that the first duty of a nation's schools is to preserve that nation.

Some people soft-pedal patriotism because they believe that love of country foments war. But love of country never caused a war yet. It's hatred of others that causes war, and hatred of others has never had a place in our American tradition. By failing to teach and emphasize patriotism we are weakening the very backbone of our nation.

Let's not pretend to our children that the United States has never been wrong, or that everything about our country is perfect. But let's be sure they also understand the tremendous contributions this country has made to the progress of mankind.

We may not always have been right, but we have always *tried* to do what we thought was right. In the development of moral consciousness on a national level, the United States has led the world.

Americans have fought and died for the cause of freedom all over the world. We are still doing it—helping people everywhere in their fight to get free or stay free.

When it comes to kindness and generosity, to lending a helping hand to people who need it, what nation in the world can hold a candle to the United States of America? There is none.

These are the BIG facts that our children should know, and know so solidly that minor criticisms of our nation are apparent for what they are—minor criticisms. Then and only then will patriotism come flooding back, a powerful torrent of idealism and devotion to carry our nation through the trials which lie ahead.

DR. JACK K. WILLIAMS INAUGURATED PRESIDENT OF TEXAS A. & M. UNIVERSITY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. TEAGUE of Texas. Mr. Speaker, it was my privilege to attend the inauguration ceremonies at Texas A. & M. University, College Station, Tex., my alma mater for their new president, Dr. Jack K. Williams. Dr. Williams delivered a most stirring inaugural address, and under leave to extend my remarks, I include the text of Dr. Williams' address:

INAUGURATION CEREMONIES: JACK W. WILLIAMS, PRESIDENT, THE TEXAS A. & M. UNIVERSITY SYSTEM

Governor Smith, Mr. Wells, ladies and gentlemen: I thank each of you for being here and I am especially grateful to those of you who have brought greetings. I am humbled by the kindness of your comments and strengthened by your faith.

I accept the presidency of Texas A&M University and of The Texas A&M University System, and I pledge to the Directors my fullest efforts and my total dedication to the accomplishment of the purposes for which this great land-grant university exists.

I am happy that you are all witness to this symbolic ceremony of my marriage to this university—with which I have been living in sin since last November 1. Hopefully, the ceremony will place a stamp of legitimacy on the job I have and will dispel any lingering doubts about the probity and fidelity of an A&M President who is not himself an Aggie graduate.

I am richly privileged to be president of this remarkable and effective university. Oldest of the Texas state-assisted colleges, its charter was signed 100 years ago, on April 17, 1871, less than a decade following the conclusion of the Civil War with its unspeakable devastation and misery.

As an aside, the same postwar legislature which established A&M offered an award of \$4,000 for the arrest of the notorious outlaw John Wesley Hardin and delivery of his body dead or alive to the jail of Travis County. I offer this vignette of history not to connect Texas A&M with John Hardin, but to note that in a time of raw frontier sociology and grossly inadequate physical resources, still recovering from a catastrophic fratricidal war, the legislative leaders of Texas nonetheless had the vision to establish a college, calling it the people's gateway to tomorrow's greater opportunity and to a richer life. This is the remarkable heritage my fellow presidents and I have in Texas—and throughout our free nation, for that matter.

Despite this, there is today something less than green envy for university presidents. Indeed, there is abroad a measurable concern for the mental stability of one who accepts the presidency of a college. I have had from friends notes of commiseration on my promotion and various expressions, written and verbal, which range an emotional scale from condolences to abject pity.

This pessimism about the university presidency comes, I must say, from a variety of

sources, including the presidents and ex-presidents themselves. One college leader has catalogued the position as a physical, emotional, and creative drain. Another has said that as president he was subjected not only to great pressures, but to personal abuse. A third (a president who had held office at two major universities) described his situation as one which did not so much drain his gas tank as burn out his bearings. And the chief officer of a large private university wrote that his resignation was due to the constant distractions he had, and to the savage demands made upon him and his family.

Henry King Stanford, of the University of Miami, has said that the only person who should be a university president is a friendless orphan, a bachelor, one skilled in tight-rope walking and bronco busting.

I shall take a less jaundiced and a more cheerful view of the subject, and I hope my view is that of an increasing majority of my colleagues.

I hold that these may well be halcyon days for those who move into university administrations. For, despite the schizophrenic nature of the task—its fluctuations between light and dark, its moments of belief and incredulity, its encounters with great wisdom and with rankest foolishness—there exist nonetheless remarkable, unparalleled, and even unexpected opportunities for purposeful and satisfying accomplishment.

Never has the product of education been in higher demand. Never has the role and scope of education been subjected to a more detailed analysis. And never has the totality of the *modus operandi* of education been placed under a heavier mandate for improvement. To be active in educational administration these days is to share in the heady excitement of moving against unexplored territory, as it were—an undertaking which, while wholly within the American tradition, is not often associated with the management of colleges.

There are a number of reasons why I believe that I assume this presidency, as others in education assume theirs, at a time of promise and purpose.

For one thing, I believe that during the years ahead we will be witness to a geometric rise in the development and adoption of innovative techniques and programs in our work. When we can hear our critics through the shouting and tumult, the message is clear and unequivocal that today's students (and the clientele of education generally) are weary of archaic methodology and meaningless minutiae which too often crowd the pages of our academic rule books.

In matters large and small, the atmosphere of education is heavy with the smell of change. For some of us this is a heady perfume; for others, it is the pungent odor of brimstone. This is so because, while progress requires change, change comes hard in education. We who work in education teach change as a vital ingredient of life, but we sometimes deplore it because we are comfortable in our old ways and have them well mastered; or perhaps because change involves sailing into uncharted seas, and many of us have lost our zest for probing the unknown. But either we will sail the strange seas, benefited by whatever navigational experience we have and can command, or we will become passengers on educational vessels whose rudders are manned by others.

Momentous change is in the air, but so also is a return to stability in on-campus governance. I think we will see during the years ahead more business-like efficiency, more firmness and dispatch in decision-making on the part of college administrations. This will be so because the clientele of education speak with a single voice in urging such development.

Indeed, faculty, trustees, legislators, and friends of education generally are calling

for an administrative mechanism which reflects responsibility, which has a clear design, and which works through consultation, advice, and suggestion rather than the voice-votes of various conglomerates.

University faculties especially have taken the lead in declaring that weak governance too often substitutes apathy and unpreparedness for measured discourse and sound managerial research. For faculty the costs of such governance are lost teaching time, marginal productivity of scholarship, and heavy increase in the possibility of gross error. Understandably, then, competent and thoughtful faculty seek a system of decision-making in which they participate meaningfully and responsibly—but which culminates in an authority empowered to prevent the university from falling into aimlessness, drift, or disunity.

A third transition calculated to improve all facets of education, I believe, is a return to reason in on-campus conduct. Certainly this is long overdue.

We may continue to have in some parts of our country disruption and violence by the ragtag of student and nonstudent activists, together with their camp followers and ego trippers. But while the day of building burning, indecency of speech and act, and unreasoned harassment of administrative and faculty personnel may continue, we will witness a quicker reaction to episodes involving these indefensible maneuvers. Police in strength will be called without hesitation, those identified as leaders of felonious conduct and as inciters of riots will be moved off the campus and the injunctive process will be applied to prevent their reentry. The important news here is that such action will be openly and soundly supported by students themselves, and this will be a new and brighter day in educational matters.

When I speak of activists and protesters, I do not refer to those who offer legitimate petition against rules and regulations which are anachronistic—or to those who participate with legal base in the giant effort to end war, poverty, and the inhumanity of man against his fellowman. I do refer to the Trojan horse army of militant fanatics in our midst, and I believe that all who have interest in the welfare of education are demanding that these malcontents not be allowed to interfere further with the educational process.

The approaching changes in method and technique and in stability in government and decorum are three bright bands in the university president's rainbow. A fourth is the enlarged faith of alumni and the substantially greater commitment they now feel to their universities.

Certainly the president of Texas A&M University is blessed and thrice blessed with a legion of former students—tremendous Aggies, whose fierce loyalty to this university is no less material than it is vocal. (This being a formal way of saying that Aggie alumni put their dollars where their mouths are.)

Alumni these days, it seems to me, have developed an enlarged perspective about our problems and have gained a remarkable knowledge not only of our needs (economic and philosophic) but of our strengths and weaknesses. Armed with this information and perception, they are and will be invaluable allies in all we do.

The former students of Texas A&M, for instance, openly agree that the greatness of our university is not in the size of its student body or the growth of its complex of buildings, valuable though these may be. Rather, the true worth of this university is measured first by the humanistic qualities of its scholars—teachers and the vigor, boldness, and precision of their performance in the classroom; and, second, by the preparedness of its students, their motivation to learning, the maturity of their perception

and their mental quickness in separating the valuable from the worthless.

Such understanding by our alumni, coupled with unparalleled devotion, adds a welcome and warm dimension to the presidency, and I am grateful for it.

A fifth and major factor which I believe bodes well for the university president and for all of higher education is a reaching of agreement that no university can be all things to all the diverse echelons of society and that university can be politized and remain free.

I need not tell you that the role of higher education has undergone elaborate debate during the past decade. We have felt need to restate existing theses about education and this compulsion to restate has led to the complexitizing and compounding of university function. Indeed, the literature of higher education has become top-heavy in advice about what the university should be doing—to whom, for whom, and against whom.

I will offer three illustrations taken from articles written by educators during the past few years and indicating the alpha to omega nature of the problem.

One writer has insisted that "the critical function of higher education is not exhausted by the consideration of teaching and research. To the contrary, American universities must exercise their function by acting as watchdogs, defenders, Jeremiahs, and Casandras of our society."

We are in the teaching business, or we should be. Whether in the classroom and laboratory, or in our extension activities, we are responsible as is no other institution for the preservation and dissemination of knowledge and for the development of new knowledge. This awesome responsibility means that we must offer our students the basic framework of fact and theory on which they can build and to which they can add. We must give our students the mental equipment with which they may think clearly as well as feel deeply.

Whatever else we do, we must remain the pivot point for the maturation of leadership because our graduates are the leadership group, whether philosophical, economic, cultural, political, or military. The direction of our social change, if it is to be reasoned progress rather than the chaos born of purposelessness, will be set by that leadership and not by the egocentric gadflies among us.

These, then, are illustrations (predictions, if you prefer) of why I believe we university presidents hold our offices at a propitious and promising time. I could and should add to the list the certain knowledge that the executive and legislative branches of this state's government are solidly and publicly committed to furnishing the resources required for a quality educational establishment. Testimony to that commitment is found in the presence at these ceremonies today of our Governor, Our Lieutenant Governor, the Speaker of our House, and numerous senators and representatives.

I could and should add to the list the fact that our congressional delegation is dedicated with equal vigor, collectively and individually, to the provision of federal assistance to educational development. That I believe is the meaning of the President's greeting brought to us by Senator John Tower, and attested to by the presence of our great Congressman, Olin "Tiger" Teague.

I conclude, Mr. Wells, on this note: I seek the guidance and assistance, and the good wishes and fervent prayers, of all who love this university—to the end that working together we will maintain a clear articulation for its direction; mediate successfully the counterclaims for its special services; enhance its traditions of service to man and the state and nation; enlarge the scope and effectiveness of its facilities and their teaching; and preserve and protect always its determination to commit the exposure of new ideas to the light of day.

DEFENSE OF BUSINESS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BOB WILSON. Mr. Speaker, on February 2 of this year, I inserted in the RECORD a speech prepared for delivery by me before the American Advertising Federation's Conference on Public Affairs. In that talk, I took critical issue with the blatant and unfounded attacks on business by some of the prominent consumer activists, including Ralph Nader. Specifically, I challenged the assumption that his charges, in the most part superficial, have been in the best interest of the consumer and the country. I also called into question some of his tactics which often fall outside of the rules of fair play and constructive criticism.

I did not make those remarks lightly. As I said on that occasion, I was aware that I was attacking one of the so-called sacred cows of the consumer movement. Nevertheless, I felt, as I still do, that those criticisms are valid and someone should stand up and state them publicly. I shall admit that during the preparation of that speech I considered the possibility that I would be standing alone.

Those remarks, however, have received wide distribution and I have been pleased and somewhat surprised by the reactions I have received from people throughout the country who agree with and support the views I expressed. I also received a number of responses from persons who, independently, have had the courage to publicly make similar observations on the impact of careless and generalized attacks on business by Mr. Nader.

I am heartened by the number of people who agree that, while much remains to be done on behalf of the consumers' interests, they question whether the best way to remedy the situation is through the promotion of an atmosphere of suspicion and hostility toward business. We can correct many of the problems existing today without taking Mr. Nader's tack of finding a fault in some product or other and insisting it is all a diabolical plot to defraud the American public. That is just nonsense. But it is the type of nonsense that this ilk of "consumer protectionist" uses to get headlines and to denounce everyone who does not see everything exactly as he does.

Even the publisher of Mr. Nader's own hometown newspaper apparently has some misgivings about the end motives of recent irresponsible charges and campaigns launched by Mr. Nader. The following is a story carried by the United Press International on March 31, 1971:

The publisher of Ralph Nader's hometown newspaper wonders if some of the consumer crusader's success has "gone to his head".

In an editorial published yesterday, John W. Nash, publisher of the Winsted Evening Citizen, said, "For a long, long time, we have been reading about the wickedness of our corporations and about all the scoundrels who are responsible for running them".

"Most of this comes from Nader and company," Nash said. "But we now stand at the point where we wonder if perhaps some of all this hasn't gone to his head," Nash said.

The publisher complimented General Motors Corp. President James M. Roche for his characterization of social and business critics as the "adversary culture," and quoted him as saying they are "a covert danger we can no longer ignore".

Nash told readers of the citizen in this town of 11,000 where Nader grew up and his parents still live, that the crusader's tactics are "all designed to build distrust and suspicion in the minds of all of us toward the ways of doing business in this country".

"They would all but destroy free enterprise as we know it," Nash quoted Roche as saying.

While briefly commending Nader, Nash said he complimented Roche "and other company executives in the past who have freely acknowledged that not everything is as it should be, but who are constantly working to correct their wrongs".

Mr. Nash is right. Most of the products which Americans purchase and use are the results of research, engineering, and development by free enterprise operating under on the theory that the way to succeed in business is to supply the best product at the best price. Yet, if business stands up to defend itself against unwarranted accusations, it is taken by some of our arrogant consumerists as a sign of guilt. There is inherent in this type of thinking the assumption that everything the activists do and say is good and all that business does or tries to do is bad. When, for instance, have we ever heard Mr. Nader express sympathy for a businessman who is plagued by shoddy workmanship by his employees? Or, as a recent letter to the New York Times stated, Mr. Nader:

Espouses the cause of auto safety, but only as it applies to manufacturers—not a word has he had to say regarding the major causes of vehicular accidents which are drunken driving and licensing of unfit drivers.

I also was amazed to read recently that Mr. Nader is organizing a "whistle-blowing" organization which would encourage employees of companies to spy on their companies and report to Mr. Nader anything they might consider wrong. It is astounding that in this day and with our privacy already diminishing, that we could encourage and condone such a spy network. Is not this about the same thing we have condemned in totalitarian countries where they have informers in every factory and home? And, yet in the name of consumerism, it is being tolerated here.

Among the letters I have received, I would like my colleagues to take note of one sent by a leading member of the advertising industry which he wrote as an open letter to Ralph Nader:

DEAR MR. NADER: I've clipped four articles from this morning's NEW YORK TIMES—one where you are virtually creating a gestapo, which action I hardly think worthy of you and your organization, or consistent with practices of which the American community—be it consumer or business—could be proud.

But essentially, I would like you to look at three front-page articles which, of course, you must have seen without my calling them to your attention.

Reading from left to right, the first deals with the problem our Defense Department has had in their negotiations with LOCKHEED, where there seems to be a slight \$758-million dispute over costs, a mere bagatelle.

The second is "Errors in Planning of Mail to Cost State \$85-million."

Third is the article in the lower right hand corner in which you read "Pentagon Acknowledges that Americans Landed at Pnompenh Airport."

I so much respect some of your actions, Mr. Nader. But I would hope you would not, in your honest zeal, succeed in creating an attitude in this country which makes consumers wary of virtually all the merchandise they buy. This could very well lead to another major depression which would be as self-induced as the one we are undergoing right now.

I truly believe the current recession is a direct result of the misadventures of the Administration (and I voted for it).

Would it not be more fruitful for Nader's Raiders to tackle the bigger problems eating at the core of our country, and stop constantly pointing at the faults of business—which I acknowledge exists—but which I submit are nowhere near as serious as, for instance, the three appearing on the front page of this morning's Times.

If you want additional items, you have only to look at welfare, the horrendous drug problem (which is begging for more intelligent handling), the universities, the courts, the jails, the cost of medical care in this country, including the escalation of charges in hospitals—just to mention a few.

I fear wherever human beings exist, there will be a degree of sin. Could we not direct your huge talents where you could do the country the greatest good?

I hope I am not naive in hoping this letter will influence you even a little bit.

This is typical of the reactions I have received. I believe this gentleman may be a bit naive to believe that those who subscribe to, what may be called arrogant consumerism, is the least bit concerned with damaging effects of their attacks on business or the economy. In fact, it has occurred to me that only through this type of activity do they maintain their prominence. I am led to that feeling because I cannot believe that most of the problems they point to as injustices cannot be cleared up by reasonable and constructive criticism without resorting to harassment and emotionalism.

Again, I would acknowledge that there are bad business practices and poor products being foisted off on the American public, and moves should be made against them. But my point is that broad brush defamations weaken faith in all business. As I have stressed before, through the free enterprise system American business on the whole has served the consumer well by providing new and needed products at prices they can afford.

I do not want to appear to be trying to diffuse the consumer movement. I just hope we can add some sanity and realism to it.

FOLLOW THROUGH PROGRAM
EXTENSION

HON. G. WILLIAM WHITEHURST
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. WHITEHURST. Mr. Speaker, on April 20, I introduced H.R. 7563, which would extend the principles of Headstart and Follow Through to all elementary and secondary school pupils.

The environment is not selective. It affects all who live in it. The environments of poverty, ill health, and physical decay do not spare the older children, but indeed have a compounding impact. There is no reason for this to remain uncorrected.

In 1964 Headstart was created to help counteract the deleterious effects of some environments. There should be no doubt in anyone's mind that this program has been a success. During the beginning years of Headstart, the public was given a rather harsh education concerning the devastating effects of the inner city environment on preschool and early age schoolchildren. Because of their cultural deprivation, most of these children were not able to take advantage of even the most fundamental work-play programs offered in the early years. As a matter of fact, most of the children from poverty areas were a year behind other children at the end of the first year of school, and tended to fall even further behind as time went on. Eventually Headstart corrected this situation, through intensive motivation and individual, affectionate attention.

However, as soon as the students were out from under the umbrella of Headstart and back under the full influence of the environment that Headstart was created to offset, they reverted to their former habits. While not a complete reversion, it was nevertheless a reversion. For this reason, Follow Through was created.

Follow Through was instituted to pick up where Headstart left off, and it has proven to be equally successful. It is the benefits of these programs that I believe should be made available to students in the higher grades, where they need such assistance at least as much as, and probably more than, the children in the lower grades. This is what my legislation will do.

It will give to those children who were unfortunate enough to have been born a few years too early the opportunity to receive the benefits of a program that has proven itself to be a success. Currently, Follow Through covers only eligible students through the fourth grade. My bill, H.R. 7563, will extend the Follow Through program from the first grade to high school graduation.

Mr. Speaker, I feel that this legislation is essential if we are to offer all students the opportunity to benefit from our educational systems.

LEGISLATION TO PRESERVE U.S.
LAKES

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ASHLEY. Mr. Speaker, today I am introducing legislation which would establish a national lake areas system to preserve the major U.S. lakes for future generations.

The precedents for this legislation are multiple. We have established the

Redwoods National Park and other national parks, created national seashores on Cape Hatteras and Cape Cod, established the national wilderness system and taken measures to protect primitive or little developed rivers as part of a national wild and scenic rivers system.

These measures are based on the principle that there are certain natural resources whose value must be protected and carefully managed for future generations. We have acknowledged this principle with our protection of mountain areas, seashores, rivers, and other unique features of our country.

It is more than time we afforded this same protection to our lakes whose purity, scenic beauty, geology, history, and recreational value qualify them as resources well worth preserving.

The Great Lakes chain, of which about 60 percent lies in the United States, covers an area of over 95,000 square miles, holds 5,500 cubic miles of water, and includes 10,333 miles of shoreline.

In addition to the Great Lakes, there are in the United States 250 natural lakes with a surface area of 10 square miles or more, 20 major saline lakes, and many large reservoirs.

The estimates of population growth and industrial expansion insure that demands on these lake areas will increase dramatically. Our lakes must be protected and must remain accessible to the public.

Yet present trends reveal that shore property is less and less open to the public. Only about 5 percent of the total shoreline of the Nation's largest 250 lakes is Government property. The remaining 95 percent is privately owned. Moreover, only a few States have wetlands protection laws which require permits or other controls before alterations can be made to private coastal lands.

Tragically we have treated our lakes as if they were a limitless resource and we are paying a severe price in the form of rapid deterioration. Pollution of all kinds—from pesticides, oil, detergents, industrial waste, sewage, silt, agricultural fertilizers, and mercury—has greatly accelerated the normal deterioration process.

Lined with the refuse of the machine age, Lake Erie has aged more than a thousand years since the turn of the century and is on the verge of becoming the first major casualty of the age of pollution. Thousands of smaller lakes across the country are becoming so thick and murky with algae each summer that they resemble pea soup. And, now, even Lake Superior is threatened.

Everything that these lakes are and could be will face almost certain destruction unless we act to halt present trends. Suffice it to say that if these lakes are not given the proper care and attention, they will become little more than stinking cesspools, devoid of animal and plant life and of little use to man.

Pollution is a key problem. But the setting of strict water quality standards and the elimination of present sources of pollution are only part of the task before us.

Standards for land quality are as es-

sential as the standards for water quality which our pollution control program is establishing. A comprehensive shoreline and lake use management policy is imperative.

My bill would establish such a policy by providing for action at the Federal, State, and local levels, using a broad range of land use management tools.

Under the bill, the Secretary of the Interior would be directed to conduct a nationwide study to determine what areas should be included in a national lake areas system. The Secretary would also appoint an advisory commission to make recommendations to him regarding inclusion of areas of this system.

In some instances, portions of lake shoreline would be acquired by the Department of the Interior as part of the national system, when authorized by act of Congress.

But, under the bill, particular attention would also be given to the role of State and local governments in the protection plans. The Secretary would be directed to encourage State and local governments to adopt master plans and zoning ordinances consistent with shoreline protection plans and to provide technical and financial assistance to governmental units for such plans.

The bill also directs the Secretary to support, assist, and encourage programs in lake area research. This would not be limited to scientific studies but would include economic, legal, and social studies. Further, the Secretary is instructed to work with colleges and universities to train undergraduate and graduate students in fields related to problems in lake preservation and development.

Mr. Speaker, there is a tremendous need for land use planning today. As President Nixon said in his environmental message last August:

Today, we are coming to realize that our land is finite, while our population is growing. The uses to which our generation puts the land can either expand or severely limit the choices our children will have. The time has come when we must accept the idea that none of us has a right to abuse the land, and that on the contrary society as a whole has a legitimate interest in proper land use. There is a national interest in effective land use planning across the nation.

Mr. Speaker, if we do not adopt effective land use planning for our lakes soon, we will surely lose them. Therefore, I urge prompt consideration of this measure to preserve our lakes.

CHINA BOOSTERS SHOW NAIVETE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. DERWINSKI. Mr. Speaker, the use by Red China of the U.S. ping-pong team as a means to establish contact with some Americans must be carefully studied. Obviously, the study must be objective and not emotional.

One of the most knowledgeable mem-

bers of the fourth estate is Walter Trohan, bureau chief emeritus of the Chicago Tribune. His considerable experience as a foreign affairs observer permits him to thoughtfully analyze the Red China moves in his column in the Tribune on Friday, April 23.

The column follows:

CHINA BOOSTERS SHOW NAIVETE

(By Walter Trohan)

WASHINGTON, April 22.—Time will tell if Red China's adventure in Ping-Pong diplomacy achieves its goals in the United States and around the world. But if Americans assume, on the basis of the reports describing the excursion, that Chinese Communists have changed fundamentally, they will deserve booby prizes for innocence and credulity.

The smiling faces and warm hospitality described by the American visitors represented no thaw in the hostile attitude of the Peking government toward the American government.

The invitation to the United States table tennis team was nothing more or less than a Chinese Communist ploy to rejoin the world community lest Soviet Russia might decide to drop a nuclear bomb on Mao Tse-tung and his cohorts before Red China becomes a major nuclear power.

Chinese dreams of being a major world power and running the world could go up in a cloud of mushroom-shaped smoke. The Chinese know it and the Russians know it. The Russians have been temporizing, but the Chinese know the decision must be made in the next few years. Unquestionably they feel there is less danger of attack if they end their isolation and join the United Nations and establish diplomatic missions around the world.

In this the American Ping-Pongers who accepted the Chinese invitation played their role. Members of the delegation said their visit shows the Chinese Communists are a "very friendly people."

One was impressed by the seeming omnipresence of Mao, saying: "He's like Jesus Christ."

Few remarks could be more ridiculous than this comparison. Christ preached love. Mao has murdered millions of his own people in coming to power. He killed millions more in Korea and Viet Nam, including many American boys. The comparison is, in fact, no more or less than outrageous blasphemy.

One 18-year-old said he would "prefer the Chinese system if it could be set up in America."

A 16-year-old girl said the visit was an eye-opener. Any 16-year-old might say the same about any first visit outside the United States or outside any home town.

One young lad said he could find no criticism of Red China, but he didn't hesitate to downgrade his own country. A young girl confessed the visit made her realize that her parents were right in saying young Americans don't appreciate what they have.

But it took a 40-year-old English teacher at an Eastern university, who wants to bring Chinese opera and ballet to America, to say: "The single thing that struck me most is that Mao is Jesus Christ and it's like the Middle Ages." He added he sensed a "great psychic strength" among the Chinese.

"It's a force to be reckoned with," he continued. "Everyone comes together in this psychic discipline and unity." He might have added that if they don't they are killed or sent to jail. He could be more right than he knew by equating life in Red China with life in the Middle Ages.

If one could offer a suggestion to the professor, it might be well if he could reread the Sermon on the Mount. This might persuade him not to equate the gentlest Man who ever lived with a mass murderer.

A SALUTE TO THE WORLD CHAMPION HAWTHORNE, NEW JERSEY CABALLEROS SENIOR DRUM AND BUGLE CORPS ON THEIR 25TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ROE. Mr. Speaker, it is my distinct honor and privilege to request you and my colleagues here in the House to join with me in commemoration of the 25th anniversary of the Hawthorne, N.J., "World Champion" Caballeros Senior Drum and Bugle Corps of my Eighth Congressional District in the State of New Jersey. Last year their musical excellence, marching proficiency, and sparkling exemplary performance in worldwide competition brought the most coveted world championship title to the borough of Hawthorne, the county of Passaic, the State of New Jersey and the United States of America.

The Caballeros were organized in 1946 under the sponsorship of the Hawthorne American Legion Memorial Post 199. Before winning the world title, they have won every championship it is possible for a drum and bugle corps to win including over 250 first place honors. They won 11 American Legion National Titles in the years 1951, 1953, 1954, and 1958 through 1966; captured the New Jersey State Title for 21 consecutive years from 1949 to the present; and took first place in the Canadian Championships for 1956 and 1957.

National recognition and the heartiest congratulations are in order for the members of the corps who are as follows:

Justo Aleman, Frank Amalino, Gordon Barnum, Erwin Barre, John Bayko, Philip Beiganti, Victor Benfatti, Bruce Bennett, Donald Bergamini, Peter Bishop, Arthur L. Bowie, William Bridge, Edward Bullock.

Joseph Burdett, James Campbell, Joseph Campos, Donald Carney, Charles Caruso, Blaise Castaldo, Anthony Catanzaro, J. Chiota, Charles Cook, James Costello, Sr., James J. Costello, Jr., Joseph Cowin, Bernard Crogan.

George W. Cyr, Nicholas Dabbenigno, John Daigneautz, James D'Amico, Anthony Demarco, Michael DeLucia, John DeValve, Philip Dumond, Eugene Dunn, William Durborow, Martin Erickson, Anthony Famello, Anthony Ferrazzano.

Timothy Fogg, Edward Ford, Paul Fostvedt, Frank Galo, Ronald Gamella, Edward Gaspartich, Thomas Gill, John Grada, George Grills, Charles Guess, Richard Harrington, Dennis Hayes, Thomas Hewitt, Alan Hopper.

John Hughes, Michael Hull, J. James, Frank Jankech, Edward Jankowski, Edward Januszki, Al Kaak, Anthony Kaplov, William Kennedy, John Kenny, Larry Kerchner, Robert Knapp, Frank Kubinak, Charles Lane.

Francis Langton, Francis Latella, Robert Lehman, James Londino, Paul Lott, Michael Lia, Richard Luciano, Sal Macaluso, Clay Mason, Silvano Matera, Fred Matthews, Robert McCarthy, Ernest Miller, James Milliken.

Joseph Montenegro, Eugene Morotta, Richard Muchen, John Munger, Robert Murray, Nicholas Muscara, Theodore Nabozny, Cipriano Newball, Robert O'Brien, William Oechsle, John Panico, Robert Peterson, Frank Pissillo, Vincent Pila.

John Pugliese, John Rattenni, Joseph Rowek, Gus Rubel, James Russo, Kevin Savage,

John Scala, William Schanel, Raymond Schofield, Robert Schutz, James Shaw, Robert Shields, John Smith, Chris Sortino.

Andrew Sproha, J. Sternfels, Gary Stooke, Lou Storch, Fred Tarsitano, Douglas Taylor, George Tuthill, Gregory Verneck, Roger Vreeland, Robert Wagner, Ronald Walkotten, James Watson, Douglas Webber, Steve Williams, Ronald Zucker.

Special commendation and plaudits are extended to James Costello, director and drill instructor of the unit; Robert Murray, business manager; Larry Kerchner, music instructor and arranger; music instructing and arranging assistants Frank Pisillo, James Campbell, James D'Amico and Frank Kubinak; drum instructors George Tuthill and Robert Peterson; James Russo, drum major; and Robert Knapp, assistant drum major.

The mayor of Hawthorne, Hon. Louis Bay 2d, and all of the members of the governing body of the Borough of Hawthorne have always been staunch supporters of the Hawthorne Caballeros and it is significant to note that in recognition of the continuing source of pride and honor shared by the citizens of the Borough of Hawthorne for the untiring efforts of the Caballeros in achieving superiority and perfection as an American Legion Drum and Bugle Corps, the mayor joined with the commissioners of the Borough of Hawthorne in proclaiming the week of April 25 through May 1, 1971 as Hawthorne Caballero Week. The full text of his proclamation is as follows:

PROCLAMATION

Whereas, the Hawthorne Caballeros have during the past 25 years constituted a continuing source of pride and honor to the citizens of the Borough of Hawthorne by their untiring efforts to achieve superiority and perfection as an American Legion Drum and Bugle Corps.; and,

Whereas, as a result of such spirit and dedication they have during the past 25 years been honored 11 times as the American Legion Drum and Bugle Corps. National Champions, 21 times as the New Jersey State Champions, won first honors in the Canadian Championships in 1956 and 1957, and in 1970 were first place winners in the National Drum Contest, and were also named world champions by the Drum Corps. Association; and,

Whereas, such achievements must be acknowledged as the result of a common effort by many persons whose contributions to the success of the Caballeros should not be unrecognized; and,

Whereas, the Caballeros have promoted a singular and unique spirit of unity and common purpose to all the citizenry of Hawthorne, which has promoted civic pride and interest by all citizens of the Borough of Hawthorne; and,

Whereas, the Hawthorne Caballeros are about to commence the celebration of their 25th Anniversary, it is fitting and proper that public acknowledgment and official endorsement be rendered to the Hawthorne Caballeros for their achievements for and on behalf of the Borough of Hawthorne;

Now therefore, I, Louis Bay, 2nd, as Mayor of the Borough of Hawthorne in the County of Passaic and State of New Jersey do hereby declare and proclaim the week of April 25th through May 1st, 1971, as Hawthorne Caballero week.

And further together with the Commissioners of the Borough of Hawthorne do hereby publicly acknowledge and congratulate the Hawthorne Caballeros upon their 25th

Anniversary and their immeasurable contribution to the honor and good name of the Borough of Hawthorne.

And further I do hereby officially endorse and recognize the commemorative activity of the Caballeros during said Hawthorne Caballero week, including

(a) The reunion meeting and reception to be held Friday, April 30, 1971, at the American Legion Post 199.

(b) The parade to be held Saturday, May 1, 1971, to include visiting drum and bugle corps, paying honor and tribute to the Hawthorne Caballeros.

(c) A dinner dance to be held on Saturday evening, May 1, 1971, at the Teamsters Hall, West Paterson, New Jersey.

and call upon all good citizens of the Borough of Hawthorne to join in giving honor and tribute to the Hawthorne Caballeros throughout Hawthorne Caballero week, and participate in the functions and activities described above.

Signed/LOUIS BAY 2nd,
Mayor.

Sincere appreciation is also extended at this time to the families, supporters, and friends of the Caballeros for their encouragement and confidence over these many years.

May I also take this opportunity to express to American Legion Post Commander John F. McAuliffe our grateful appreciation to all of the members of American Legion Memorial Post No. 199 of Hawthorne for their many years of undaunted devotion and wholehearted support of the Caballeros whose outstanding contribution to our cultural enrichment is applauded by all of us during this 25th anniversary celebration.

EDWARD G. UHL, FAIRCHILD HILLER PRESIDENT, SPEAKS OUT IN AVIATION WEEK & SPACE TECHNOLOGY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. BYRON. Mr. Speaker, Edward G. Uhl, president of Fairchild Hiller Corp., recently wrote an article for Aviation Week & Space Technology's leadership forum which was published on March 15, 1971. I would like to share Mr. Uhl's thoughts from that article. His comments are far reaching and involve an analysis of problems in the Nation as a whole.

LEADERSHIP FORUM

(By Edward G. Uhl)

All of us in the aerospace industry are concerned about reduction of R&D effort and the lack of public interest in new space and aircraft programs. It is easy to assume that our industry is being singled out by opponents in the Government. I believe rather that our problems are symptomatic of a more general and therefore more distressing national problem.

When one reads the newspapers today or listens to a television news program, he cannot help but become somewhat discouraged about the future of the United States (as well as the aerospace industry). Every form of media hammers incessantly at America's problems—the poor, the urban crisis, the Negro situation, the threats to the environment, the corruption among public and private officials—the list is endless.

Periodical literature, novels and in-depth

studies of all sorts are examining consistently the flaws in the American system and character. The net effect of all this is that we are in danger of becoming a nation of critical self-analyzers rather than a nation of doers.

This trend toward self-criticism has had its impact on the business and Government leaders of our country. Before embarking on any venture, no matter how sound or ultimately useful to the country, our purported leaders agonize and strain over the possible criticism that may be made concerning their attempts. As a consequence, we have a leadership crisis in the country at the present time with no one willing to embark on risky but potentially worthwhile programs. Similarly, the desire to have a consensus approval of each new venture has rendered our forces for technological and social progress practically immobile. When one stands around waiting for each segment of the population to agree to a specific venture, he foredooms that venture either to be stillborn or to become a mediocre compromise.

Instead of focusing continually on what is bad for our society and worrying about possible criticism of a contemplated action, the United States must move forward in the direction of setting objectives and instituting constructive programs. This leadership should begin in our Government, but it should also be carried on enthusiastically by business, civic and cultural leaders. The accent must turn to the positive at all levels—from national commitments to individual business and social ventures. Our ultimate test as a nation will not be how we have analyzed our failings but what we have done to establish and attain new goals, thus making the future better than the past. To do that effectively, we obviously must examine the past; however, we cannot permit yesterday's sins to make us fearful and hesitant in moving forward on new programs and objectives for tomorrow.

LOOK AGAIN, MRS. KNAUER

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1971

Mrs. SULLIVAN. Mr. Speaker, I have on numerous occasions publicly praised President Nixon's Special Assistant for Consumer Affairs, Mrs. Virginia Knauer, and I have enjoyed working with her on specific legislative or administrative projects, including the new Fair Credit Reporting Act, so I hope the remarks I am about to make on some recent remarks of Mrs. Knauer's will not be taken as either partisan or ideological criticism—and certainly not as personal criticism.

It is, instead, a matter of the facts.

In an article by Associate Press writer G. David Wallace which appeared in the St. Louis Globe-Democrat on April 15, Mrs. Knauer stated that she "just couldn't believe" that nine different Federal agencies had been given enforcement responsibilities under the Truth in Lending Act until her office had conducted a 2-year survey to find the location of all consumer programs in the Government.

Mrs. Knauer added:

I get worried when I see a program administered by as many as eight or nine agencies. When you have this diffused responsibility you cut down on the accountability.

Speaking specifically of the nine agencies administering truth in lending, Mrs. Knauer said:

I just couldn't believe so many people had their fingers in it. It creates a bureaucratic mare's nest. I'm not saying this one is. But the potential is there.

A "MARE'S NEST"?

Yesterday, the Wall Street Journal, in an editorial entitled "Mare's Nest," commented on the remarks made by Mrs. Knauer on the multiplicity of agencies administering the Truth in Lending Act and said:

Mrs. Knauer figures her efforts to promote more efficiency in consumer programs fits in with the administration plan to streamline the entire federal establishment, and we wish her well. Whatever they may accomplish for consumers, any steps to make Federal programs more rational are surely steps in the right direction.

I also noticed recently that in urging the establishment of an independent consumer agency of Government, some Members have used the argument that we need more centralization of consumer programs because "nine different agencies administer Truth in Lending."

Therefore, Mr. Speaker, I think some background information is due to Mrs. Knauer, to those Members of Congress who have expressed amazement at the truth in lending enforcement procedure, and to the Wall Street Journal, too, on how this arrangement came about.

Mrs. Knauer's comments were made in an interview discussing plans of her office to analyze the effectiveness of various consumer programs in the Government and to compare what they say their programs do with what the programs actually deliver. And that, of course, is an essential part of her job as Director of the Office of Consumer Affairs. I am sure all of the members of my Subcommittee on Consumer Affairs of the House Committee on Banking and Currency want to encourage her in that work.

POLICY COORDINATION BY FEDERAL RESERVE BOARD

However, Mr. Speaker, I am disappointed that in singling out the enforcement-administration structure of the Truth in Lending Act as a potential "bureaucratic mare's nest" of probably overlapping, duplication, and diffusion of responsibility, Mrs. Knauer failed to note that, of the nine agencies involved in truth in lending, one agency alone—only one—the Federal Reserve Board—has exclusive, unshared, responsibility for setting the policies to be followed by all nine, permitting no variations by them in the enforcement policies under the act. All nine agencies are bound by the Federal Reserve's regulation Z and by the periodic amendments or interpretations issued by the Fed to that regulation. In writing the law, therefore, we were seeking to prevent exactly the kind of duplication and diffusion of responsibility Mrs. Knauer has referred to.

THE ROLES OF THE OTHER AGENCIES

Why, then, are eight other agencies involved? The answer is quite simple and, I believe, logical. The Truth in Lending Act applies to all lenders or vendors of consumer, agricultural, and residential real estate credit. Many of the lending

institutions in this field were already strictly regulated—and regularly examined—by a variety of Government agencies; for instance, federally insured savings and loans are regulated on a day-to-day basis by the Home Loan Bank Board, national banks by the Comptroller of the Currency, member State banks by the Federal Reserve Board, State banks not affiliated with the Federal Reserve by the Federal Deposit Insurance Corporation, firms extending agricultural credit by the Department of Agriculture, and credit unions by another Federal agency, then located in the Department of Health, Education, and Welfare but now an independent agency, the National Credit Union Administration.

With virtually no increase in staff—no new bureaucracy whatsoever—the Government examiners who regularly visit and inspect the books and records and activities of the lending institutions under their normal jurisdiction are also assigned responsibility for expanding their auditing work to look into potential or actual violations of the Truth in Lending Act.

Furthermore, airline consumer credit transactions are regulated by the Civil Aeronautics Board and consumer credit extended by other carriers by the Interstate Commerce Commission.

Only one agency of the nine involved in truth in lending enforcement has had to expand its operations in connection with the enforcement of this statute, and that is the Federal Trade Commission—the ninth agency involved—which has jurisdiction under truth in lending over all retailers, mail order houses, automobile dealers, small loan companies, home-improvement contractors, door-to-door sales, and the rest of the credit firms in our economy not under day-to-day regulation by the other eight Federal agencies assigned truth in lending responsibilities.

ASSIGNMENT TO NATIONAL COMMISSION ON CONSUMER FINANCE

In addition, in writing the Consumer Credit Protection Act of 1968 which includes truth in lending as its title I, we created in title IV the nine-member National Commission on Consumer Finance to investigate the whole field of consumer credit, including enforcement under truth in lending, and to see what changes or improvements are needed in the law to make it more useful both to consumers and to legitimate business. Thus, I do not believe the architects of Public Law 90-321 can be held guilty of creating a nine-headed monster to be set free to pursue nine different, contradictory, unrelated, divergent and chaotic policies in the administration of this landmark law.

So I would urge Mrs. Knauer to look again at this matter. And we will do so, too—the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, where the act originated, will undoubtedly be holding "oversight" hearings soon on the operations of truth in lending and the other titles of the Consumer Credit Protection Act, and we will welcome any suggestions Mrs. Knauer may have for improvements she believes should be made in the co-

ordination of enforcement work under truth in lending.

FEDERAL RESERVE'S WORK HAS BEEN OUTSTANDING

But, so far, I think the Federal Reserve has done a truly outstanding job on behalf of the consumer, and of business, too, in the promulgation of regulation Z and in the issuance of frequent interpretations and guidelines and of occasional amendments to regulation Z in improving its operation.

The Fed has done such a conscientious job, in fact, that the Board of Governors would now like to be relieved of the heavy policymaking responsibility it has been given to oversee the operations of truth in lending by all nine agencies. If the Fed had not done such a good job, I would be more than willing to hand this assignment to some other agency, but the fact is that its administrative supervision has been excellent.

FTC ALSO ACTIVE AND EFFECTIVE

The Federal Trade Commission, too, has carried out its broad enforcement responsibilities ably and vigorously. The other agencies have always responded to specific complaints I have called to their attention, but whether they have actively gone out looking for violations on their own is a subject I certainly want to pursue in any hearings we conduct on this matter.

The Subcommittees of Banking and Currency were not reestablished in this Congress until right before the Easter recess because of delays occasioned by new rules, and we have all been busy on full committee hearings since then, but I hope we can soon work out an agenda for the Consumer Affairs Subcommittee which will encompass the areas of our legislative responsibility, with particular reference to the operations of all six titles of the Consumer Credit Protection Act, including the newly enacted title VI dealing with credit reporting bureaus.

ASSOCIATED PRESS ARTICLE AND WALL STREET JOURNAL EDITORIAL

In the meantime, Mr. Speaker, I include as part of my remarks the AP article by G. David Wallace and the Wall Street Journal editorial referred to, as follows:

[From the St. Louis Globe-Democrat, Apr. 15, 1971]

CONSUMER CHIEF FEARS "AGENCY MARE'S NEST"

(By G. David Wallace)

WASHINGTON.—President Nixon's consumer adviser, who is preparing to measure the effectiveness of government consumer programs, says she's already suspicious of any program run by more than one agency.

"I get worried when I see a program administered by as many as eight or nine agencies," Virginia Knauer said in an interview. "When you have this diffused responsibility you cut down on the accountability."

She mentioned specifically the Truth in Lending Law, which is administered by the Federal Trade Commission, the Federal Reserve Board, the Agriculture Department, the Federal Deposit Insurance Corp., the Federal Home Loan Bank Board, the Bureau of Federal Credit Unions, the Controller of the Currency, the Interstate Commerce Commission and the Civil Aeronautics Board.

"I just couldn't believe so many people had their fingers in it," she said. "It creates a

bureaucratic mare's nest. I'm not saying this one is. But the potential is there."

Mrs. Knauer bumped into the Truth in Lending maze set up by passage of the 1968 law after her office conducted a two-year survey to find all the consumer programs in the federal government. Overlapping and duplication make it impossible to determine the exact number of programs around, but the total has been estimated to be at least 300.

Now, Mrs. Knauer is in the process of hiring program analysts who will compare what various agencies say their programs do with what the programs actually deliver.

"Are those programs being responsive to consumers? This means we look into these programs from a specific point of view," said Mrs. Knauer. "This will be a continuing function. This will not be a one-shot affair."

[From the Wall Street Journal, Apr. 26, 1971]

MARE'S NEST

Mrs. Virginia Knauer, President Nixon's consumer adviser, has been looking into all the federal programs allegedly helping consumers. What she has found hasn't entirely pleased her.

As far as she and her aides have been able to determine in a two-year study, there are at least 300 federal consumer programs. The overlapping and duplication make it all but impossible to come up with an exact number.

Especially worrisome to Mrs. Knauer are programs administered by numerous agencies. She mentioned Truth in Lending, which is overseen by the Federal Trade Commission, the Federal Reserve Board, the Agriculture Department, the Federal Deposit Insurance Corp., the Federal Home Loan Bank Board, the Bureau of Federal Credit Unions, the Comptroller of the Currency, the Interstate Commerce Commission and the Civil Aeronautics Board.

"I just couldn't believe so many people had their fingers in it," she said. "It creates a bureaucratic mare's nest. I'm not saying this one is. But the potential is there."

Mrs. Knauer figures her efforts to promote more efficiency in consumer programs fits in with the administration plan to streamline the entire federal establishment, and we wish her well. Whatever they may accomplish for consumers, any steps to make federal programs more rational are surely steps in the right direction.

REPRESENTATIVE MOORHEAD RECOGNIZES RUMANIAN NATIONAL HOLIDAY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1971

Mr. MOORHEAD. Mr. Speaker, for 105 years the people of Rumania have recognized May 10 as the anniversary of the founding of the Rumanian dynasty, their first step toward self-government.

May 10 is still recognized by patriotic Rumanians as a symbol of their perseverance, despite foreign domination, to ultimately become free.

On this occasion, we in the Congress salute the brave Rumanians and the work of the members of the Rumanian National Committee in New York who have done so much to sustain their fellow countrymen and to speak out against tyranny, not only in Rumania but wherever people are held captive.

It is our hope—and our duty—to work for the day when all men will enjoy the right to choose their own way of life and their own government.

PROJECT ALTERNATIVE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. KEMP. Mr. Speaker, the Amherst, N.Y., Central High School is undertaking a very ambitious project consisting of a 10-month field trip experience in which students and staff members become travelers across the United States not only to observe but to become involved in what is America. It is the intention of the students and staff to discover and study the facets of human interrelationships and relationships with the environment.

Another goal of Project Alternative is to provide opportunities to bring the knowledge learned in the classroom to bear upon observable reality, that is, to acquaint participants with problem-solving, decisionmaking procedures. The participants of the program intend to meet leaders of government on national, State, and local levels, scientists, artists, industrialists, labor leaders, conservationists, film producers, religious leaders, and others. In other words, America shall be the classroom. Students on the bus trip will learn of the complexities of modern society from the people who are vitally involved in the daily operation of it.

At this point, Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the Buffalo Evening News on April 1, 1971, by Bob Buyer concerning this Project Alternative, which has my total support. The article follows:

[From the Buffalo Evening News, Apr. 1, 1971]

AMHERST STUDENTS PLAN U.S. TOUR AS AN ALTERNATIVE TO CLASSROOM

(By Bob Buyer)

At Amherst Central High School they call it Project Alternative and if the 20 students and their faculty advisers carry it off, they will have added a new dimension to the educational process.

Project Alternative is a plan for a 10-month cross-country stop-and-go journey across the United States. It would begin next September.

The aims listed in a 13-page proposal are: (1) to discover the study the facets of human inter-relationships and relationships with the environment and (2) to provide opportunities to apply knowledge learned in the classroom to observable reality . . . to acquaint participants with problem-solving, decision-making procedures.

So far, the Amherst Board of Education has given a general approval of the idea, provided the students and teachers raise the required funds and meet other related obligations.

"We have an interim report for the Board of Education scheduled for April 12," said Richard A. McLaughlin, the school's learning resources center director who has guided the effort thus far.

Most of the 20 students who met Wednesday afternoon for their own conference said that their parents had consented to their participation. Each student would be required to pay \$500 to cover daily contingencies.

To a visitor, the students described themselves as covering a wide spectrum of academic achievement.

"Our immediate aim," said one student, "is to raise money."

By their own estimates, the project will take from \$24,100 to \$63,750 to finance.

The Project Alternative proposal suggests that the school district's role would be largely the furnishing of supervisory personnel.

To raise the money, the students have sent a flurry of letters of foundations who support such projects, to church and educational institutions who might house them, to motor vehicle manufacturers who might supply them with a bus, to publications who might buy the story of their experience, etc.

In addition, the group recently held a book sale that netted \$150 and this week-end its members are offering their services to local householders to build up their treasury more.

"We expect to work our way," a girl student said.

She listed the talents available for hire as restaurant worker, farm worker, carpenter, performer and arts and crafts.

"We had a letter from Gov. Ronald Reagan of California wishing us good luck," a student said, "But the California State parks director did better. He said that his agency would supply us lodging in exchange for some work in their state parks."

The plan is to move from area to area, staying in one place long enough to observe the area.

Teachers accompanying the students would stay with them on a two-week rotating basis, the proposal suggests.

Mr. McLaughlin made it clear that the student participants would not be taking a bus ride by day and doing "home work" at night.

"We feel that working all day, trying to understand the scene around them and performing daily living chores, is work enough," he said.

However, a system of regular film and written reports is planned as is a system of regular communication with home.

"Of course, we will be asking schools that we are near if they are interested in hearing and seeing any presentations of our experiences," he added.

The students said that the idea for Project Alternative was born last November and has been carried since then by the students.

Mr. McLaughlin sees the proposed trip as a step toward bridging the gap between students and the world and teaching students to adjust themselves to a group without loss of their individuality.

CINCO DE MAYO—A TRIBUTE TO MEXICAN VALOR

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. VEYSEY. Mr. Speaker, on May 5, the people of Mexico, and people of Mexican ancestry around the world, will celebrate the 109th anniversary of one of freedom's greatest victories—the battle of Cinco de Mayo.

On May 5, 1862, a small volunteer force of Mexican patriots, led by Gen. Ignacio Zaragoza, turned back the massive, highly trained French army of Napoleon III at the small Mexican village of Puebla.

Napoleon's troops, bent on establishing an empire in Mexico City, were pushed back into the sea, and although the French later conquered Mexico City and set up a short-lived monarchy, the Battle of Cinco de Mayo remains for the Mexican people, a revered symbol of Mexican valor in the face of overwhelming odds. It stands as a monument to the profound

love of Mexicans for their homeland, and to the indomitable Mexican spirit.

The message written into history on that memorable day in 1862, is of great significance to all the world, and especially to each of us in the United States. It served as a rallying cry for all Mexican patriots in the embattled years of foreign intervention which followed. It served as an appeal to the United States, which 4 years later, immediately after the Civil War, withdrew recognition from the French controlled monarchy and demanded that French forces leave Mexico.

Today, Cinco de Mayo stands as a tribute to all people of Mexican heritage, and as an inspiration to all of us who champion the cause of freedom.

It is with great pride that we join our Mexican friends in celebrating their independence, and in honoring their brave ancestors who fought and died for it on Cinco de Mayo, 1862.

FEDERAL FINANCIAL DISCLOSURE ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ANDERSON of California. Mr. Speaker, today I am introducing the Federal Financial Disclosure Act. This measure will require full financial disclosure on the part of Members of Congress, judges of the U.S. court system, Cabinet members, policymaking officials of the executive branch, and all officers or employees in the executive branch earning over \$18,000 a year.

We, in the Congress, and in Government, are holders of the public trust—a very fragile trust that is occasionally eroded. We have the obligation to preserve the dignity and the respect for the Government that I feel she deserves, and I can think of no better way than to reveal to the public our holdings, and to report everything in which we might conceivably have a direct or indirect interest.

Mr. Speaker, I sincerely believe that the great majority of public officials are much more concerned with the affairs of the public than they are their own, however, we must insure that everyone is above reproach and is not in a position of influence simply for private gain.

The pay scales of those in the executive and legislative branch are at a level where outside income is not necessary to live comfortably. This is the way that it should be, first, so as not to limit Government service to only those wealthy enough to take the time to make our laws, and second, so that those in public office are working for the public and not for themselves.

Mr. Speaker, this act is simple. It calls for full financial disclosure by Members of the House of Representatives, Senators, Justices, and judges of the U.S. court system, the President, the Vice President, Cabinet members, and other policymaking officials of the executive branch as determined by the Chairman of the Civil Service Commission. Under

the act, the following items must be reported:

First. Gross income of principal person and members of his immediate family.

Second. All honorariums and compensation payments, including names of sources and amounts—includes commissions, salaries, fees, and so forth.

Third. Gross income from business enterprises, including amounts, addresses, and names of businesses, and nature of the businesses.

Fourth. Itemization of gains from dealings in property, including names and addresses, and brief description of each transaction.

Fifth. Income from interest, including sources and amounts.

Sixth. Sources of income from rents, royalties, and dividends.

Seventh. Indebtedness, including names and addresses and aggregate amount.

Eighth. Itemization of income from partnerships or memberships in professional groups. Names and addresses for such payment that exceed \$1,000.

Ninth. Itemization of income from estates or trusts in which principal has an interest, and nature of that interest.

Tenth. Report on all gifts exceeding \$100 in value, including names and addresses of donors, amount or value of gift, and description thereof. Report shall also contain a list of gifts to the principal and his family which exceed \$500 in value, including names and addresses of donors.

Eleventh. Report to contain list of assets held by principal and his immediate family. List to include value of each asset and brief description. Household furnishings and personal effects excluded.

Twelfth. Report to include names and addresses of each person or organization to whom the principal and his family owe at least \$5,000. It also includes statement of total indebtedness.

Thirteenth. Report to include all funds used to defray expenses incurred by reason of his being an official member, candidate or judge, including names and addresses of all persons contributing to the funds, the amount of each contribution, the amount of each expenditure, and the purpose of each expenditure.

CRISPUS ATTUCKS: A MYTH OF THE BLACK STUDIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. RARICK. Mr. Speaker, faced with the latest changes in education to include the rewriting of many of our textbooks, our educators would do well to separate truth from fantasy and compensatory placation.

Those who promote black study courses eulogizing Crispus Attucks as a black hero of the American Revolution will be sorely disappointed to learn that Attucks was not a Negro and died in a riot 5 years before the Revolution began.

Research on Crispus Attucks was com-

plied by Mr. D. Stanton Hammond, past president of the New Jersey Society of the Sons of the American Revolution, and appeared in the April 1970, edition of the Jr. O.U.A.M. Councilor:

HISTORY OF THE AMERICAN REVOLUTIONARY WAR

In our study of the teaching of American History in our High Schools we had some schools suggest more teaching of Black History. We recently received the Following article which we submit for your perusal.

"The Revolutionary War seen historically after nearly 2 centuries presents many problems. The problems are still being discussed. One problem centers on the various elements composing our country's population today. Over the years, various parts of our conglomerate population have urged recognition of some special individual whose contribution in the Revolutionary War could be identified with that particular nationality. So we note the honoring of Lafayette, Steuben, Kosciuszko, Frank, DeKalb, Haym Solomon and many others. Each of these men—heroes, as you like it—have established niches in the Revolutionary War history and have long been accepted as such. This is highly proper.

Now due to the quite proper emergence of the present civil rights development, some would seek a similar hero for our colored citizenry's emulation and have begun to tailor the Revolutionary War history to find and fit such a hero. The so-called Boston Massacre occurred in 1770—5 years before the Revolution began. In that tragedy five rioters were killed, who named alphabetically were:

Crispus Attucks, colored mulatto from Framingham, Mass.

James Caldwell, white man of Boston.

Patrick Carr, immigrant Irish sailor.

Samuel Gray and Samuel Maverick, (White men from Boston docks.)

The court minutes of Suffolk County (Province of Mass.) of the Superior Court of Judicature at Boston are available, both in the records there and in some co-temporary books published in Boston. A copy is available in the Library of Congress and in the private libraries of serious students of Revolutionary War history. The record discloses that the shootings occurred in the course of defending the sentinel at the Government's Customs House. Eight British soldiers of the 29th Regiment were indicted by the Suffolk County Grand Jury for the 5 deaths. The Jury's verdict at the trial freed 6 of the soldiers, convicted 2 of manslaughter and sentenced them—with so called "Benefit of Clergy"—to a "Burning in the Hand in Open Court" in accordance with the "Law of the Land" of those times.

Now the move to make Crispus Attucks a national hero figure in Revolutionary War history is to establish very different criteria from those which delineated Steuben, Lafayette, DeKalb, Frank et als., as such. To get an appropriate hero for the colored part of our population to emulate, is a proper and laudable motivation. There are men of color—and women, too—in our history quite worthy of anyone's emulation. For instance—Booker T. Washington is outstanding. The colored regiment that fought in the Battle of Rhode Island, earning their personal freedom, thereby—and many others.

Crispus Attucks was not killed in the American Revolutionary War. His fighting partook more of today's philosophy of Rap Brown and Stokely Carmichael. Let those interested in a colored hero seek out one—but not by re-writing history of the American Revolutionary War—glorious as it is and drab too but not needing spurious embellishment."

(NOTE.—We feel this very timely since there is presently in our Legislature, Assembly Bill No. 212 which amends the present

N.J. Statue 18A:35-1 which requires a 2 year course in American History in the High Schools of our State.

Bill No. 212 would amend 18A:35-1 to read The Superintendent of schools in each school district shall prepare and recommend to the Board of Education of the district, and the Board of Education shall adopt a suitable two year course of study in the History of the United States to be given to each student during the last 4 years of High School. Said course of study shall include materials recommended by the Commissioner dealing with the history of the Negro in America.

We feel this Bill is loosely drawn up and with the knowledge of the misguidance as shown in the article above. Manufactured history to suit the purpose of the present endeavors of certain groups might well lead to many untrue references. We oppose this Bill in the present form and ask that you urge your legislators to do likewise by having it recommitted to committee for revision.)

MASSACHUSETTS SMALL BUSINESSMEN OF THE YEAR

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. CONTE. Mr. Speaker, last Friday, April 23, 1971, it was my great pleasure to speak at the spring meeting of the Massachusetts Advisory Council to the Small Business Administration in Springfield, Mass.

I was doubly honored at that time to be asked to present the award to the Massachusetts Small Businessmen of the year to two outstanding businessmen and community leaders from the Worcester area, Mr. Arthur L. Herring and Mr. Norman Shulman.

It would be superfluous for me to attempt to summarize the outstanding record that these gentlemen have made since they started their business careers back in 1953. Instead, I wish to call the attention of my colleagues to a brief account of their accomplishments that was put together by the New England regional office of the Small Business Administration. I am sure that all who read this account will be tremendously impressed by their record.

It is small businessmen like Arthur Herring and Norman Shulman who help to make this country great. As the senior Republican on the House Small Business Committee, I frequently have occasion to run into the many problems that individual small businessmen and our Government agencies have in attempting to do what they can to promote this vital sector of our economy. All too rarely do I have a chance to learn about the success stories. Surely this is one of them. Mr. Speaker, I know that you and all of my colleagues join with me in extending my heartiest congratulations to Arthur Herring and Norman Shulman for their outstanding record, and join with me in wishing them the best of luck in their future endeavors.

The material referred to follows:

MASSACHUSETTS SMALL BUSINESSMEN OF THE YEAR

In 1952, following the Korean War, three men in a 15' x 15' ground level store on a

back street in downtown Worcester, with \$150 in capital and \$1,000 in borrowed funds, started in the business of buying, selling and installing aluminum storm windows and doors on a retail level directly to the home owner.

Thus, William Herring, his son, Arthur, and Arthur's boyhood chum, Norman Shulman, started the Modern Manufacturing, Inc. of Worcester.

From the small quarters on Spring Street, the partnership soon expanded to a factory loft on Front Street. On October 1, 1953, the partnership was organized into a corporation which has continued since then. At about this same time, the company began buying the window components known as "knock-downs" and set up its own assembling operation. In 1954, the young company made its third move to larger quarters as sales grew and more employees were added. In the larger quarters, on Casco Street, the company was able to begin the manufacture of complete windows. In 1957, a wholesale business was developed primarily in the window line. The company was now able to sell windows either assembled or "knock-down" just as they had been buying them only three or four years earlier.

With sales of \$308,911 in 1957, the growth necessitated another move late in 1958—again to larger quarters on Brussels Street in Worcester. In December of 1959, an application was presented to the Small Business Administration, in participation with a local bank, for a loan in the amount of \$50,000. The purpose of the loan was to enable the company to acquire new machinery and to increase working capital, all with the ultimate objective of manufacturing a "knock-down" line of doors to supplement the line of windows which the company was then manufacturing. Sales for the fiscal year 1959 were \$280,322 and had climbed to \$560,436 by 1961 thus requiring additional capital in order that the trend of volume expansion could continue and thus in July of 1961, again in participation with the same local bank, a second loan was granted by the Small Business Administration.

At the time of the second SBA loan, the principals forecast sales as a result of the loan to be over one-million dollars annually and that figure was reached in fiscal 1965, with sales in excess of \$1,300,000.

In 1965, with sales rapidly growing, employees totaling 75, more space was vitally needed. The logical step was additional space at their present Brussels Street location, which was only possible if they purchased the entire mill complex. With the assistance of a local savings bank, the partners formed a real estate trust, purchased the building and today occupy 200,000 square feet of the plant.

Always aware of changing patterns in their business, Arthur and Norman became aware of the growing demands for pre-hung, pre-assembled wooden window units and in 1968 purchased the Franklin Window Company, manufacturers of wooden prime windows. Franklin was a natural ally to their aluminum door and window process and integrated into that operation.

With the rapid changes in architectural designs, changes in specifications, etc., the time came to think about Insulated Glass—Safety Glass and the processing of Insulated Glass Units into Tempered Glass. In 1968, together with a wholesale distributor of Glass and Glass Products, The Solomon Glass Co., Arthur Herring and Norman Shulman, (Arthur's father had retired in 1965 to enjoy the Florida fishing and sun), formed a new company—called Air Space, Inc. to manufacture Insulated Glass, a product of which Modern Manufacturing was a prime user. The success of Air Space, Inc. was instantaneous. From sales of \$534,000 in their first year, 1968, they climbed to \$907,967 in their third year, 1970.

With this growth came the demand for Tempered Glass—Glass that through a heat-

ing process becomes shatter-proof. The availability of this type of glass was limited, the demand for the glass was unlimited, thus it was only natural that steps be taken to produce their own tempered glass. A subsidiary of Air Space, Inc. was formed, Glass Guard Industries, Inc. An application was submitted to the Worcester County Development Company for an SBA 502 loan for a new plant to house Air Space Inc. and Glass Guard Industries, Inc. with provisions for the tempering of glass.

In 1970, the SBA 502 Program, together with a group of five Worcester area banks, granted a loan of \$1,020,000 to the Worcester County Development Corp. to build a new 60,000 square foot plant in Webster, Mass.

Thus from a ground floor store with 225 square feet, no employees but Arthur Herring and his father and Norman Shulman and total sales of \$25,000, Arthur and Norman have developed a business that occupies over 300,000 square feet in two locations, employ some 275 employees and will have total sales in 1971 of approximately 4 million dollars.

As the business grew, so grew Arthur Herring and Norman Shulman's interest in their community.

In cooperation with the Sheriff of Worcester County, they developed a Work Release Program for the inmates of the County Jail; men who had run afoul of the law were given a new opportunity.

Every day, morning and night, taxicabs paid for by Modern Manufacturing arrive at the County Jail, pick up ten to twelve inmates who then work a full day manufacturing doors and windows at the same rate of pay as all other Modern Manufacturing employees. At the end of the work day, the inmates are returned to the jail—to serve their sentence—their pay sent to the Sheriff to be forwarded to the families of the inmates. The record—no problems of any type.

Arthur and Norman also had long been interested in the problems of retarded children. Arthur had served as Chairman of the Worcester Area Society for Retarded Children Fund Drives and so it was only natural that the Worcester Area Occupational Center for Training the Mentally Retarded would ask their assistance in providing both training and employment for the mentally retarded. This they have done and again the results—no problems of any type.

At the New Tempered Glass Plant in Webster, a community that had a 10 million dollar industrial fire that resulted in the loss of some 1000 jobs, they have entered into an agreement with the National Alliance of Businessmen and the United States Department of Labor, to participate in a program called JOBS, which is designed to hire and train and re-train in meaningful jobs, disadvantaged people without regard to race, sex or creed.

To accomplish all that they have in eighteen short years has depended on the employee relations that are a vital key to their success. Few companies in existence today can state that they have not lost a key employee since their inception. Arthur Herring and Norman Shulman make that statement. Loyalty is derived from an inner sense of mutual respect between employee and employer. Modern Manufacturing boasts that it has the finest group of employees. Such devotion within the competitive world is rare, yet key employees have remained to find the satisfaction of challenging positions.

Herring and Shulman's application of the life philosophy in their business is also their way of life.

Arthur Herring and his wife, the former Ruth Feuer, are the parents of four children, Abby, Debbie, Jonathan and Zachary. Deeply interested in the problems of mentally retarded children, Arthur has served as Chairman of the Word Raising Projects Committee of the Worcester Area Mentally Retarded Children's Society. He is

also the Chairman of the Board of the Yeshiva School, Worcester, Mass.

Both Arthur and Norman are devoted to the civic activities of their community, both being active members of the Masons, Knights of Pythias, B'nai B'rith and contributing members of the Jewish Community Center.

While Arthur devotes considerable time to the causes of mental retardation, Norman Shulman and his wife, the former Gladys Perlow, who are also the parents of four children, Elaine, Ellen, Robin and Sandra, devote their time to the local Parent Teachers Association and are active participants in the affairs of the Community Chest.

Arthur Herring and Norman Shulman have the conviction that helping others help themselves is a responsibility each has to the other.

Modern Manufacturing, Inc. of Worcester and its affiliates, Air Space, Inc. and Glass Guard Industries is such a creation. Provided with Government funds and vitality, these two dedicated men have integrated their ideas and personalities into a constantly forward moving venture.

Throughout their participation in this venture, Arthur Herring and Norman Shulman have continually found ways to help others in the community, directing the benefits of their own help and success into other widening circles.

FEDERAL CITY COLLEGE CORRECTS INEFFICIENCIES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MIKVA. Mr. Speaker, as a member of the District of Columbia Committee, I recently received a letter from Dr. Harland Randolph, president of Federal City College. In his letter Dr. Randolph enclosed a copy of a recent article which appeared in the Washington Post discussing inefficiencies in recordkeeping at City College. As Dr. Randolph pointed out in a letter to the Washington Post, the article misrepresents the situation at City College to the point of inaccuracy. The article was based on a report written by Julius Hobson which was prepared in 1970. Some of the conditions stated in the report, and reported by the Post as though they were currently in existence, have been remedied already or are in the process of being remedied. In the hopes of correcting any misimpressions which may have been created among my colleagues as a result of the Post article, I am inserting in the RECORD Dr. Randolph's letter to me, a copy of the Washington Post article referred to, and a copy of Dr. Randolph's letter to the Washington Post explaining what progress has been made to correct the problems discussed in Mr. Hobson's 1970 report:

FEDERAL CITY COLLEGE,
April 7, 1971.

HON. ABNER MIKVA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MIKVA: On April 3, 1971, *The Washington Post* ran an article that did not include available information which would have changed the nature of the article.

The enclosed letter to the Editor provides the additional information. *The Post* article

deals with a situation that has been corrected.

The inefficiencies cited no longer exist at the level stated in the article.

Sincerely yours,

HARLAND RANDOLPH.

HOBSON CITES INEFFICIENCIES AT CITY COLLEGE

(By Lawrence Feinberg)

A 64-page report, prepared by Julius Hobson, contends that Federal City College suffers from such "constant administrative inefficiencies" that its officials have little precise idea of what the school is doing.

Hobson, a former city school board member who recently lost a bid to become D.C. Congressional delegate, wrote the report under a \$2,000 contract with the college administration.

Wednesday he held a press conference at which he emphasized the positive aspects of the report, most of which describes the origins and programs of the college and its expected economic and social benefits for the city. The report ends with an appeal for more funds for the 3-year-old institution that has received much less money than it asked for from Congress.

But the report also describes Hobson's major difficulties in getting information about the school.

"Such vital information as the current number of students majoring in each department was never located," Hobson wrote, "and no one could suggest where such data might properly be found. . . . We were constantly sent from one administrative officer to another, always with the promise that the new person would be able to answer all questions. That, too, never happened."

In the report Hobson said some of the difficulty may have been caused by the college's unexpectedly rapid growth and limited clerical staff.

In an interview this week he was more sharply critical.

"I'm a friend of theirs," Hobson said. "I'm not trying to hurt them. But if they don't get some kind of organization the college isn't going to last. . . ."

"If Congress ever gets smart," he added, "and starts asking questions, they'll be in trouble."

James Brown, executive assistant to college president Harland Randolph, said Hobson's criticism was "nothing new." He said some of Hobson's difficulties in gathering data may have been caused "by the reluctance of people to talk to him because the college has always been under attack since its inception."

Brown emphasized Hobson's support for the college's general purposes.

Previously college officials have ascribed the poor record-keeping to problems in setting up a computerized accounting system.

In the report, Hobson said that "statistics we expected to find completely tabulated had to be compiled instead at our request."

"The very long delays and repeated inquiries on our part which followed such requests went unrewarded and unanswered, however, and much of the specific information we sought, though repeatedly promised by certain dates, was never supplied."

"After what promised to be endless postponements, and delays," he wrote, "we were forced to resign ourselves to the limited data we had, despite the fact that frequently these numerical data were incomplete and inconsistent."

On Wednesday Hobson said he was calling the press conference because he wanted to make sure that "racists and Uncle Toms" did not use the report's findings to hurt the college. Hobson said he was afraid that the story in *The Washington Post* would be distorted.

Hobson was assisted in preparing the report by Toby Edelman, staff member of the Washington Institute for Quality Educa-

tion, a private research group which Hobson formed in 1969. Before that, Hobson was an economist for the Social Security Administration for more than 20 years.

FEDERAL CITY COLLEGE,

April 6, 1971.

MR. HARRY ROSENFELD,
City Editor, the Washington Post,
Washington, D.C.

DEAR MR. ROSENFELD: Your article, "Hobson Cites Inefficiencies at City College" (April 3, 1971), is misleading to the point of inaccuracy, particularly since currently available information about the condition of student records at Federal City College was not included.

The article leaves the reader with the impression that the Hobson Report refers to an examination of the College conducted in 1971. The public should know that his report was completed almost four months ago and that the work on the report was started in March, 1970. Since that time, much progress has been made to clarifying the College's student records.

The charge of inefficiency in the state of student records is reported as though it were brand new information in spite of the fact that the Post alone has run more than eight articles in September-October, 1970 informing the public that the records of the College have not been in proper condition.

When we asked Mr. Julius Hobson to develop a model for predicting or estimating the economic impact of the College on the District, we told him that hard data in an easy-to-secure form was not available. He was asked to develop a model that could be used once the information became available. During the entire time that Mr. Hobson was researching and writing his report, the College was taking action to correct inefficiency.

What is the current status of student records? Approximately 45 percent of the student records are now in operational condition. By July 30, 1971, all student records will be complete.

Your readers are entitled to information about the incomplete status of student records and about the reasons for this situation. Information that is normally expected to be a part of a student's record in an educational institution has always been available at Federal City College. However, because the College was not equipped with adequate centralized record-keeping capabilities in the beginning a considerable number of man-hours of work was required to reconstruct records for individual students by manual means.

Major problems were encountered in reconstructing the record of an individual student and converting this information into easily retrievable form: (1) Data was originally placed on a computer that was not correctly programmed; (2) In some cases, the information needed was not in the central office of Records and Research, but had to be obtained from files of the various departments or faculty members, and (3) In order to provide the data on all students for reports such as the one by Mr. Hobson, it was necessary to construct a complete, centralized records system.

We have taken the following actions to correct the situation: Student records in the Office of the Registrar, department files, and instructor folders have been collected and key punched. Several million bits of information have now been processed into individual student records.

The computer print-outs of individual student records are being associated with original documents and placed into individual student record folders. The Director of Admissions and Records and the Registrar informed me by memorandum dated March 23, 1971, that the record keeping and retrieval system will be completed by the end of July. The major hurdle remaining is the man-

hours required to get original documents into the individual student files so that computer records can be verified. The information that was not available for the Hobson Report is now available in a usable, easy-to-secure form.

While the College has had to work to get the records for undergraduate students in proper condition, the records for graduate students have always been in proper condition. Even during the period when a manual search of records was necessary to construct a student's transcript, the College was able to accomplish this for students who needed transcripts for graduation or transfer to other colleges.

A review of the current status of the records and the corrective actions that are now underway, might have changed the headline on your story from "Inefficiencies at City College" to "City College Corrects Inefficiencies".

Since the first of the year, more than fifteen professionals and authorities in the field of education have evaluated administrative units of the College. Their reports indicate that the College is either at or above standard for its stage of development. This does not mean that the College is performing as well as it should or as well as it desires. It does mean that the tone of the article, focusing on past inefficiencies without describing any present efficiencies, fosters a misinterpretation.

The institution about which a story is written and the writer of the story, often disagree about the content or the focus of the story. Such disagreement is normal, and is not the subject of this letter. However, I do believe that the public, and particularly Federal City College students themselves, should be provided current information and should be told that records for all students are available and will exist in easily-retrievable form early this summer.

Sincerely yours,

HARLAND RANDOLPH.

FREEDOM OF CHOICE FOR FEDERAL EMPLOYEES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SCHMITZ. Mr. Speaker, freedom of association received a boost recently with the introduction of H.R. 2569, the Federal Employee Freedom of Choice Act of 1971. The purpose of this legislation, as outlined in section I of the bill, is to assure that:

Each employee of the Federal Government shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

The second section of the bill clearly prohibits joining a union which "asserts the right to strike against the Government of the United States or any agency thereof," or assisting or participating in any such strike. Strikes of this kind are illegal under present U.S. law. The bill also prohibits joining any organization which "advocates the overthrow of the constitutional form of government in the United States."

The bill is designed to establish, in the law, protection of Federal employees against the abuses of compulsory unionism. In other words, any Federal worker

will be free to join or not to join a union—and this will have no bearing on his condition of employment with the Government. The legislation will avoid "agency shops" and will eliminate the hazard posed by the threat of crippling strikes at our highest level of Government.

Although this right exists at the moment, it is subject to change by Executive order—at the whim of the President. President Kennedy temporarily insured voluntary unionism for Federal employees by Executive order in 1961. President Nixon reaffirmed this policy with Executive Order 11491 in October of 1969. Nevertheless, until this basic freedom is codified in the law of the land by Congress, the assurance of voluntarism for Federal employees is subject to change at any time.

Voluntary labor-management relations have a strong basis in the tradition of our country. Nineteen States presently have "right to work" laws and the Congress recognized the right last year when the House decisively rejected compulsory union membership for postal workers. Postal workers represent 25 percent of the Federal work force, and I feel it is time to extend these permanent "right to work" guarantees to the other 75 percent of our Federal employees.

Another indication of widespread support for this legislation is the fact that the 25 Congressmen who have joined me in cosponsorship of the bill represent the maximum number of cosponsors allowed under House rules. Additionally, the Republican Party platform of 1968 unequivocally pledges "right to work" protection for Federal employees. President Nixon, as a candidate, made it clear that he intended to propose legislation to:

Recognize the right of a Federal employee to join an employee organization if he chooses to do so.

Considering the kind of support which has been indicated for the bill, I have high hopes that this session of Congress will see its enactment. To deny such protection to our Federal employees, to subject them to the vicissitudes of compulsory unionism, would be to slap the principles of freedom and voluntarism, on which this Nation was founded, squarely in the face.

THE WHITE HOUSE CONFERENCE ON YOUTH IS NOT REPRESENTATIVE OF AMERICAN YOUTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. RARICK. Mr. Speaker, the approximately 1,000 young delegates aged 14 to 24 in attendance at the recently concluded White House Conference on Youth are described by a Washington Post staff writer as a systematically selected and thoroughly certified cross section of American youth. The group was put together with "no little care" and was "placed on the Nation's docket by the President himself."

The reader is led to believe that this group speaks for the overwhelming majority of the young people of America by their declarations for legalizing pot, complete emancipation at age 18, sexual freedom, and for J. Edgar Hoover's scalp.

The article mentioned the names of only two participants. One of them was David Ifshin, president of the National Student Association. This organization has passed such Communist-backed proposals as the calling for abolition of the House Committee on Un-American Activities, admission of Red China to the United Nations, inclusion of the Vietcong—National Liberation Front—in any negotiations for a ceasefire, and supporting the free speech movement at the University of California at Berkeley—a movement which California legislative investigating committees and the Federal Bureau of Investigation have deemed as infiltrated by radical left-wing extremists.

The NSA actively supported the Student "Non-violent" Coordinating Committee (SNCC), the militant black nationalist student organization which coined the term "black power." The NSA also played a role in aiding Communist Algerian students to get into American universities where they received training to fit them for important roles in the revolutionary struggle against the West.

The national chairman who directed Nixon's White House Conference on Youth is Stephen Hess, a financial protégé of the wealthy and notorious Stern family of New Orleans. Hess has been instrumental in revolutionary causes as an associate fellow of the infamous Institute for Policy Studies, financed by the Edgar Stern Family Fund, Ford Foundation, and Warburg fortune.

As Americans watch with disgust and outrageous indignation the disruptive tactics in the Nation's Capital by the shock troops of an alien ideology, many must wonder who is masterminding and bankrolling these morbid assaults against the decency and moral fiber of our people.

The Institute for Policy Studies is readily identified as the strategic command post of the planned violence and terror rampant in Washington, D.C. See CONGRESSIONAL RECORD, volume 116, part 28, pages 37417-37422.

Arthur Waskow, senior fellow of the Institute for Policy Studies, and Rennie Davis, a leader in the current anti-American disruptions in Washington, participated together in a conference of radical groups from all over the United States in Milwaukee the last weekend in June 1970.

The following information is taken from a documented report of the Church League of America, 422 Prospect Street, Wheaton, Ill.:

At the Milwaukee conference, he [Waskow] and Rennie Davis (convicted in the Chicago conspiracy trial) took part in the Student Resistance Summer Conference Workshop and presented a detailed plan for "liberating" Washington, D.C., as a protest against the United States involvement in the war in Southeast Asia. The proposal was linked to five demands:

1. The immediate withdrawal of all U.S. troops from Southeast Asia.

2. The immediate provision of \$5,500 a year guaranteed income for every family of four.

3. The immediate liberation of all political prisoners, including the Black Panthers, the Conspiracies, the draft resisters, and G.I. deserters.

4. The immediate liberation of the people of Washington from their special colonial status.

5. The immediate end of the complicity of all American institutions—colleges, universities, corporations, synagogues, churches—with the war machine and the machinery of police repression at home.

Preparations for the "liberation" action include the formation of "new liberation Collectives and Brigades, and strengthen those collectives already in existence so as to do local organizing against local institutions of genocide and to prepare for the Disruption/Liberation of Washington." The date the various brigades are to converge on Washington is as yet undetermined.

The Liberation Brigades intend to spend "at least a week" in Washington and to achieve their ends write that "stopping Washington" means:

1. Holding teach-ins with Federal employees, inside their agencies, on the real effects of their agency's policies.

2. Demanding to meet with the General Staffs of genocidal agencies like the Army, CIA, HEW, etc., so as to receive full disclosure, with documents, of their policies and decisions over the last 20 years—that demand to be enforced by closure of the agencies if necessary.

3. Holding public, televised interviews on the Capitol lawn of Members of Congress who have supported genocide at home or abroad—that process to be enforced by sit-downs at the Capitol if necessary.

4. Blocking the bridges and highways to the Pentagon and the CIA.

5. Halting the machinery of conscription and enlistment.

6. Stopping the collection of taxes for war and repression.

7. Opening up all the government's hospitals, cafeterias, etc., to all people.

8. Liberating some Federal agencies, as the Peace Corps was in May, to serve the real needs of real people.

9. Turning over military reservations to people who need housing.

And many, many other actions.

Throughout the process, the Movement will work and act not as an atomized mass of thousands of lonely individuals under the command of an Executive Committee, but as a multitude of collectives, each of which has decided how to carry out its own commitments. Some collectives may decide to act in classic Gandhian style, to fill the jails; others may seek to remain sufficiently mobile as to avoid arrest. But all will be dedicated to stop the work of genocide.

Doubtless this plan is designed to implement a Waskow theory published in the Saturday Review in 1965 when he wrote that as revolutionists force tyranny to stop them, they will gain increasing acceptance.

We have gone into detail on Waskow because his appears to be the dominant voice of the Institute for Policy Studies. The plan he and Rennie Davis proposed at the Milwaukee conference will no doubt become IPS program.

The "representative" group of American youth, who attended the White House Conference on Youth and who are "fed up with the status quo and wanted change—indeed, even radical change," concluded their final conference report as follows:

Out of the rage of love for the unimplemented principles we here assert, we challenge the government and power structures

to respond swiftly, actively and constructively to our proposals.

From the similarity of the demands for change made by President Nixon's White House Conference on Youth under the tutelage of Stephen Hess and I.P.S. and by the motley group of radicals presently agitating in the Nation's Capital as well as the likeness of the radical background of their leaders, it seems logical to conclude that the purpose of both groups is to provide pressure from below—grievances to justify implementation of their demands through more socialistic legislation by their counterparts in power at the top. The trap is set.

And today the House by voice vote passed H.R. 5674 to increase to \$4 million the appropriations for the Commission on Marihuana and Drug Abuse. It is understood that a number of young people are to be appointed to serve as members of the Commission.

It remains to be seen what role the Institute for Policy Studies and Stephen Hess' "whiz kids" will play since one of the grievances of the White House Conference on Youth was to legalize "pot." The American people should not be surprised when the \$4 million study on marihuana and dope investigation concludes with a finding that there is no proof that marihuana is harmful and a recommendation that it be legalized.

This is almost instant pressure from the top in reaction to the pressure applied from the bottom by the President's White House Conference on Youth.

A further reasonable deduction can only be that the White House Conference on Youth is most definitely unrepresentative of the great majority of young people of America.

I insert a news clipping to follow my remarks.

[From the Washington (D.C.) Post, Apr. 25, 1971]

THE GRIEVANCES OF "JUNIOR" MIDDLE AMERICA—THE WHITE HOUSE CONFERENCE ON YOUTH

(By Eric Wentworth)

ESTES PARK, COLO.—It was, well, common knowledge that a certain modest fraction of young America was fed up with the status quo and wanted change—indeed, even radical change—in government policies, in laws, and in the institutions of their society.

But nobody was sure how big the fraction was, which made it convenient for President Nixon, or Vice President Agnew, to dismiss the campus malcontents as a trifling 2 per cent or so of the college population, and therefore of little consequence by comparison with the great majority of sensible young people, out there in the heartland of Middle America. They could even dismiss college students collectively as representing less than half of their 18-21 age group. The revolt of the young, we were told, had been distorted by the attention paid to a noisy few, by the media.

And that may be. But that is not the message from the White House Conference on Youth, which has just concluded its allotted four days at a rustic YMCA camp high in the Rockies. The point about this gathering, is that it was supposed to be something else; it was placed on the Nation's docket by the President himself, and it was put together with no little care.

The nearly 1,000 young delegates, aged 14 to 24, were billed in advance as a systematically selected, wall-to-wall sample of their entire generation: in demography, geogra-

phy, ideology, family background, education, experience and lifestyle. Here, if anywhere, one would hear from Junior Middle America. The more than 400 adult delegates, who by and large joined fully in the intense, round-the-clock deliberations, were also supposed to be "rich in differences."

So what happened?

The answer suggests the need for a fresh appraisal of this country's youth—and for some drastic new arithmetic. For the fact of the matter is that large majorities of this thoroughly certified cross-section of American youth said loud and clear that they want Mr. Nixon to stop shooting and bombing in Indochina at once and to pull out every soldier by year's end. They want J. Edgar Hoover's scalp. They want legalized pot.

For themselves, they want the full legal privileges of adulthood—not just voting—at age 18. For all minorities, they want a government that responds, not one that represses. For every citizen, they want broader individual rights—including "the right to do whatever is necessary to preserve these rights."

David Ifshin, president of the National Student Association and an outspoken foe of the Indochina war, complained privately the first day that the delegates lacked "coherence." But in the course of four days, this diverse conclave proved to have remarkable coherence on the war and many other issues.

At the outset too, the Left protested that the whole conference was tainted by purported White House influence; picking a remote site, stacking the meeting with pro-administration delegates, and arranging the program to frustrate a full airing of major questions.

But the Left had scant grounds for complaint when the final task force recommendations and plenary session votes were added up. It was a tribute far less to any maneuvering on their part than to what proved to be the conference's dominant spirit.

One possible distortion in the youth representation was that most young delegates could be called activists: whatever their politics, they had made a name for themselves in one way or another.

Thus, though some delegates were tagged as "silent majority" spokesmen, whatever views may be held by politically and socially passive young people were less than fully represented.

Young activists of today, however, will more than likely be the adult movers and shakers of tomorrow. For that reason alone, results of this conference demand the President's—and the nation's—attention.

Some would gauge the conference's "success" by its mingling of young and old, Left and Right, black and white, and the broadened human understandings that might result.

On this score, results were mixed. Youths and adults easily bridged the generation gap on all but a very few issues such as sexual freedom. In meeting after meeting, young and old would line up together on each side of the issue at hand.

Less successful, to some, was the bewildering proliferation of caucuses: blacks, Chicanos, Indians, Italian-Americans, GIs, anarchists, women's liberationists, Future Homemakers of America, Appalachia residents and state delegations, among others.

"What we came here for was to unite American youth, not divide them," complained 24-year-old Stephen R. Frank of Los Angeles who heads a group called Voices in Vital America.

At night, however, young people of all colors danced together to a Wisconsin rock band called "Crank." And Jerry E. Cook, a 23-year-old white from California, found delight in his Puerto Rican cabin mates who played guitars and sang from midnight 'til breakfast.

A major reason for picking a site far from Washington was to convene influential adults in a setting where youths would have their undivided attention. Some failed to show. But one senator, Republican William Brock of Tennessee, and at least nine House members were here for part or all of the time—joined by assorted other government policymakers, university presidents, prominent church men, and industry leaders.

Actor Bill Cosby was reportedly kept away by the bad weather. But some people here saw the snow, which fell Monday and Tuesday and resumed Wednesday night, as a "plus" for the spirit of the conference. National Chairman Stephen Hess' staff won points by lining up hundreds of Army parkas, plus plastic bags and later boots for the feet, to help delegates cope with a common natural adversary.

Others would judge the conference's success by its product. Here the stacks of reports and resolutions, often written at frenzied speed in the wee hours, speak for themselves.

Some contain more rhetoric than substance, put forth hazy ideals instead of practical solutions. But many meet the "clear and tough minded" standard which Health, Education and Welfare Secretary Elliot L. Richardson called for at the opening Sunday night session.

And there is persuasive eloquence in what will be the preamble to the final conference report. "Out of the rage of love for the unimplemented principles we here assert," it concludes, "we challenge the government and power structures to respond swiftly, actively and constructively to our proposals. We are motivated not by hatred, but by disappointment over—and love for—the unfulfilled potential of this nation."

OUR DOUBLE STANDARD IN INTERNATIONAL TRADE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. ROSENTHAL. Mr. Speaker, I have been concerned for some time with the problem of the moral and legal responsibilities of the United States in protecting its overseas trading partners from hazards discovered in American food, drug, and cosmetic products. American domestic legislation unwisely exempts export shipments from many food and drug safety provisions.

Stanford Sesser, writing in the *New Republic* for March 6, 1971, mentions some of the shocking consequences of our failure to respond to this problem. I have, for some months, been preparing legislation to remedy this legal and moral gap in our trade law, and to extend to international trade at least the same consumer protection that we attempt, however inadequately, to provide for our own public.

Mr. Sesser's article, which I hope my colleagues will find useful in considering the proposed legislation, follows:

PEDDLING DANGEROUS DRUGS ABROAD—SPECIAL DISPENSATION

(By Stanford Sesser)

The hazards of Parke, Davis & Co.'s controversial antibiotic, Chloromycetin, are so well known by now that many physicians shudder at the mention of its name. Just a few years ago Chloromycetin was com-

monly used for treatment of infections; now, thanks to the reams of adverse publicity, its sales in the United States have declined sharply. The problem with the drug is that it can produce a frequently fatal blood disease, aplastic anemia, as a side effect. Aplastic anemia means that the bone marrow stops manufacturing blood cells; if treatment fails, as it often does, the patient dies. In 1967 the *Journal of the American Medical Association* reported that of 288 cases of aplastic anemia associated with Chloromycetin, 12 percent of the patients had been treated with the drug for a common cold.

Now, however, the Food and Drug Administration has forced Parke, Davis to make the hazards of Chloromycetin clear in its package inserts and in information supplied to doctors. The new insert warns of "serious and fatal" blood diseases, says that the drug "must not be used when less potentially dangerous agents will be effective" and cautions that Chloromycetin "must not be used in the treatment of trivial infections." Today it is recommended as a drug of choice only for typhoid fever.

In view of all this, one might legitimately wonder why the Defense Department purchased 10,642,200 capsules of Chloromycetin from Parke, Davis last year—enough to provide three doses for every single member of the armed forces. The answer will provide another nice little footnote to the history of our involvement in Southeast Asia. Very few of the capsules went to Defense Department hospitals, where use of Chloromycetin is carefully regulated. Instead, almost 10 million capsules were given to South Vietnam for use on South Vietnamese. About half of this went to the Vietnamese army, and the other half to the Ministry of Health for dissemination through civilian physicians.

The Defense Department has made no public statement on these purchases other than to say they're being reviewed. But one army medical officer, in response to inquiries from a medical trade publication, justified the purchases by speculating that "more lives are probably saved than lost with the drug." Besides, he added, the South Vietnamese could just buy it on the world market anyway.

This transaction provides an example of the dual standard practiced by American companies and the U.S. government in the sale of potentially hazardous products. Americans, at least on occasion, are offered protection from the merchants of these products, but the rest of the world is considered fair game. Thus while cyclamates are banned here, Libby, McNeil & Libby continues to ship thousands of cases of cyclamate canned fruits to West Germany, whose government, in the words of one Libby executive, is "more deliberate about judging momentary fads that are popular in the U.S. from time to time." While the U.S. government tries to discourage the smoking of cigarettes at home, it subsidizes the sale of American cigarettes abroad through low-interest loans to foreign governments. And while laws such as the Flammable Fabrics Act protect the American consumer, they say nothing about exports—so that many of the flammable fabrics pulled off the market in the United States end up being sold to Canadians.

But nothing speaks worse for the United States than the activities of Parke, Davis in its overseas sales of Chloromycetin. No one knows the full story of the abuses from this drug, but the reports coming back indicate a need for strong action by Congress if foreign governments fail to move.

Take the warnings for Chloromycetin as one example. The US package insert begins with the following statement: "Serious and fatal blood [diseases] . . . are known to occur after the administration of chloram-

phenicol [the generic name]. In addition, there have been reports of aplastic anemia attributed to chloramphenicol which later terminated in leukemia. Blood [diseases] have occurred after both short term and prolonged therapy with this drug."

Compare this with Parke, Davis' package insert for Italy. The company tells Italian doctors that "the fact that therapy with Chloromycetin is remarkably without secondary reactions is very significant. The preparation has been tolerated well by both adults and infants. In the few cases in which reactions occur, these are generally limited to slight nausea or diarrhea and their severity rarely requires suspension of treatment."

The US warning states that Chloromycetin "must not be used in the treatment of trivial infections or where it is not indicated, as in colds, influenza, infections of the throat; or as a prophylactic agent to prevent bacterial infections." But in Italy, the section on uses of the drug begins: "Many infections have proved particularly responsive to Chloromycetin: Infections of the respiratory apparatus caused by bacteria and viruses . . ."

Parke, Davis' explanation for the discrepancy in warnings displays a cynicism perhaps unmatched in American corporate enterprise. A spokesman for the company began with the standard drug industry response to such queries: The warnings "are based primarily on what their governmental agency involved with health deem necessary," and "we are conforming to the specifications of those countries." When pressed on how the company could recommend a use for the drug in Italy that is expressly forbidden in the United States, he answered: "I'm certain they have not experienced what has been experienced here."

This reply recalls a 1967 exchange between Sen. Gaylord Nelson and Leslie Lueck, a Parke, Davis official, at a Senate drug industry hearing. Sen. Nelson read the text of an ad for Chloromycetin in the *British Medical Journal* and noted that the ad had "no warning at all. How do you explain that?" Mr. Lueck responded that "Parke, Davis has always met all the requirements, the legal requirements of whatever country we distribute our products in."

Sen. NELSON. Well, the effect of the drug is the same on people in other countries as it is here; is it not?

Mr. LUECK. Largely.

Sen. NELSON. Do you know of some differentiation?

Mr. LUECK. Yes; there are some minor differentiations, but for the sake of this discussion, let us say they are the same.

What Parke, Davis concedes at Senate hearings—foreigners "for the sake of this discussion" are also human beings—apparently has no impact on its marketing. In Japan, for instance, the company sells Chloromycetin SF, a mixture of Chloromycetin with seven vitamins, and calls the compound "a remarkably ideal antibiotic." A long list of uses not recommended in the United States includes gonorrhea, measles, and "prevention against pre- and post-operative infectious diseases." The warnings, of course, are sparse, and just to make sure no possible sale is lost, the package insert makes the following point: "The Chloromycetin SF tablet is a beautiful two-layer tablet, sepia-colored on one side, and yellow on the other."

These are the official package insert warnings; no one knows what claims for the drug overseas are made verbally by the Parke, Davis detail men who sell it. One doctor told me he heard the detail men in the Philippines were pushing Chloromycetin as a cure for common colds. A company spokesman denies it.

No one has studied the impact on health of the widespread use of Chloromycetin over-

seas. Dr. Harry V. Shirkey, chairman of the pediatrics department at the University of Hawaii medical school, recently toured children's wards in hospitals of three Far Eastern countries and said in an interview that "it was striking that there would be so many cases of aplastic anemia, more than we treat in our wards here." The observation has no statistical validity, nor does it directly implicate Chloromycetin, but Dr. Shirkey says that when he asked doctors "if they weren't concerned if this was related to Chloromycetin, they said they didn't have the fear we had in the U.S."

The situation with Chloromycetin has become so scandalous that the State Department last year felt compelled to warn governments in Latin America of the drug. In a bulletin to all its embassies, the State Department urged that Latin American health authorities be warned that Chloromycetin is being sold "with labeling which is believed to constitute a hazard to health." The bulletin notes that the Spanish label makes no mention of the serious blood diseases, and "also contains indications for use in conditions where the FDA knows of no data to substantiate its effectiveness: measles, mumps, ulcerative colitis, chicken pox and infectious hepatitis. Many of the other indications listed are as well treated with other, safer antibiotics." This bulletin was dated May 1970—and there have been no reports of a change in Parke, Davis's marketing strategy since.

Depending on foreign governments to put a halt to Parke Davis's tactics isn't the ideal solution. If ten countries passed laws, it could simply shift its sales efforts to the hundred that didn't. What is needed is congressional action making American exports subject to the same safety and health regulations as products sold domestically.

UNRESTRICTED BLOCK GRANTS, SAYS MURRAY L. WEIDENBAUM

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HALL. Mr. Speaker, the Assistant Secretary of the Treasury for Economic Policy, Murray L. Weidenbaum, has emerged as the President's chief spokesman for revenue sharing.

In a recent article, Mr. Weidenbaum attempts to settle some of the dust that has been raised by the proposal to share a percentage of the Federal revenues with the various State and local governments by answering a series of key questions.

For the enlightenment of my colleagues, who may be seeking these same answers, I offer Secretary Weidenbaum's article:

UNRESTRICTED BLOCK GRANTS, SA⁷S MURRAY L. WEIDENBAUM

(NOTE.—Murray Weidenbaum is assistant secretary of the Treasury for economic policy, and the Administration's chief spokesman on revenue sharing.)

We all like to talk about the need to strengthen our federal form of government, about moving government from Washington closer to the people. Most of the time, let us face it, that is just talk. However, we in the Nixon Administration are really trying to decentralize government and to take specific action to strengthen state and local governments so that they can meet the fiscal crisis which is now facing so many communities and taxpayers.

The idea that is at the heart of this effort is the program of sharing a portion of federal revenues with state and local governments to, in effect, truly federalize the income taxes collected by the Department of the Treasury. The mechanism that we have selected is financial because we believe that sharing responsibilities and work more effectively within the public sector requires a sharing of the fiscal resources necessary for the task—a sharing of public revenues.

Before getting into the details, one fundamental point needs to be made. We are not recommending just another program of sending federal dollars around the country; there certainly is no shortage of ways of doing that already.

We are proposing a shift of decision-making power to state and local governments. Revenue sharing is unlike any existing grant-in-aid program. Under revenue sharing, the money that state and local governments obtain from the U.S. Treasury becomes their money. The federal government does not tell them how to use the money. For example, revenue-sharing money can go into a county's general fund, and it is up to the county council to decide how to spend it.

"ABLE TO COUNT ON IT"

The following is an outline of the revenue-sharing proposal.

First, the annual size of the fund will be fixed by law at 1.3 percent of the federal personal tax base. States and localities will be able to count on it in their long-term planning. The annual amount will increase as the economy and the tax base grows.

Second, the distribution among states will be made according to each state's share of the national population, with a simple adjustment for relative revenue effort.

Third, the distribution within each state to the cities and counties will be established by formula clearly spelled out in the federal statute. The key point is that each city and county will be able to get its share as a matter of right and will not have to negotiate with the federal or state government. There will also be a local option in our plan, whereby the local governments and the state legislature in a given state can get together and set up an alternate plan for the intrastate distribution of the money.

Fourth, the allocation of the money to specific programs will be made by the state or local government receiving the money. There will be no plans to submit for federal reviews and no matching requirements.

Several key questions on how revenue sharing will work come up time and again. Here are some responses to the more serious points that have been raised regarding the program.

Will all the money go to the state governments exclusively?

The answer is no. Each city, county and town will get a portion of the revenue-sharing fund automatically. A guarantee has been developed which both protects the local governments and maintains the federal form of government.

It is true that initially the U.S. Treasury will make payments to the states but each state, in order to qualify for the federal money, will have to pass on to each city and county a predetermined share—the share spelled out in the federal law (unless the "local option" is exercised by the state and its localities). This provision is called the mandatory pass-through. It was developed in joint consultations with the National League of Cities, the U.S. Conference of Mayors, the National Governors Conference, the National Association of Counties, and other key organizations.

Will the proposal provide enough for the large urban areas?

The amounts will be quite generous, particularly in view of the national budgetary situation.

Our approach is to distribute revenue-sharing funds within a state to each city and county in proportion to general revenue collections. So-called "tax havens" with low tax collections and a narrow range of functions will receive very small shares. In contrast, cities with heavy program responsibilities and, hence, large tax revenues will get bigger amounts, even if their populations are the same.

In practice, nearly every large city will receive not just absolutely more money but also more per capita than its smaller neighbors. However, the large central cities will get more revenue-sharing money not just because they are bigger, but because they bear a larger fiscal burden.

Why bother to make the expensive "round trip" of tax dollars to Washington? Why not leave the money in those states and localities where it originates?

Actually, the Department of the Treasury has lower tax collection costs than any state or local government agency. Since revenue sharing will not require any new federal agency or bureau (all that is required is a simple check-writing procedure) the round trip will be quite economical.

Do we really have any excess federal revenue to share? Won't revenue sharing increase the budget deficit?

This question apparently results from some confusion over the purpose and operation of a revenue-sharing program. Revenue sharing is an expenditure for a basic national purpose—strengthening our federal system of government. We would not be sending back to the states "excess" revenues left over from federal program requirements, but rather rearranging existing federal program priorities.

NONINFLATIONARY ECONOMICS

Revenue sharing will not raise the existing federal tax burden. The alternative to revenue sharing is not a smaller federal deficit. The alternative is a higher level of federal spending in some other and, in our view, lower priority, program areas.

In modern federal budget-making, the levels of expenditures and revenues are determined as a part of the nation's overall economic policy. In general, federal expenditures are set at a level which makes a strong but noninflationary contribution to economic growth (noninflationary because keeping expenditures within the revenues that the economy generates at full employment—as we are trying to do—avoids inflationary pressures).

Hence, funding a revenue-sharing program in the context of the present-day budget means that we are selecting this program, rather than some other, for a major share of the automatic annual growth in federal revenues. We believe that this is a wise choice.

Are state and local governments competent to use revenue-sharing money effectively?

This question presents a real challenge. We believe that strengthening our federal form of government by helping state and local governments is an objective worthy of an investment of several billion dollars a year.

Frankly, no one can guarantee that all of the money will be used wisely. Of course, neither are we certain that all direct federal spending or indeed that all private spending is sensible. To be sure there is nothing inherent in the revenue-sharing concept which would encourage wasteful spending. Public responsibility must be tied directly to the individuals in charge of conducting government programs, regardless of the source of financing.

The revenue-sharing plan does provide that each state and local government receiving revenue-sharing funds will assure proper accounting for the payments received and will provide regular reports to the Secretary of the Treasury on the disbursement of the funds. There is no intention of "second-guessing" a state or local jurisdiction's determination to spend the money on education or

health or safety, etc. We do want to be able to assure the President and the Congress that the money was spent for a lawful governmental purpose. The ultimate success of revenue sharing, therefore, will depend on the ability of states and localities to make the most efficient and judicious use of these funds.

The Nixon Administration maintains a large measure of confidence in the ability and willingness of local government to respond positively to those particular local problems which require public solutions. A major purpose of revenue sharing is to enhance the financial ability of the levels of government closer to the people to respond effectively to the urgent problems that face us today. All governments are beset with problems, and the potential for effective management of social and public systems is high at the local level.

Does revenue sharing separate the responsibility for raising taxes from the act of spending tax revenue?

While this may appear to have a logical ring to it, I believe that it is misleading. It ignores two important facts. At the national level, we have the precedent that the federal government already "shares" \$30 billion annually, in the form of categorical grants, with state and local governments. At the state level, there is the precedent that every state shares revenue with its local governments, many in a completely unrestricted manner.

The real question is the control over the funds. It seems quite clear to me that there will continue to be some separation of the taxing power and the spending power—via rising amounts of federal aid to the states, counties and cities. What revenue sharing does represent is an opportunity for state and local governments to have discretion over the allocation of a modest portion of these funds. In any event, the very real and present fiscal crisis facing so many states, cities, and counties makes updating political theory a very real political necessity and reality.

We believe that revenue sharing will help meet the current fiscal crises facing so many states and localities. Revenue sharing will also help to reduce the upward pressures on property taxes. Revenue sharing will, in addition, have a desirable employment impact—by providing the critical margin of additional funds, it will enable states and localities to hire and keep on the public payrolls more policemen, firemen, school teachers, and other key public employees.

In essence, revenue sharing represents a cogent response to today's problems—and a response which provides a durable, long-term solution to the challenge of providing essential public services without adding to the already heavy burden on the taxpayer.

NEW PASSENGER ROUTES COULD REGAIN TRADE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. SHRIVER. Mr. Speaker, much debate has occurred during recent months over the consolidation of passenger train service scheduled for May 1, by the National Railroad Passenger Corporation. In the following excellent editorial from the McPherson Sentinel of McPherson, Kans., Mr. K. R. Krehbiel cogently demonstrates that mere consolidation will not prove a cure-all for the problems of passenger train service:

NEW PASSENGER ROUTES COULD REGAIN TRADE

The National Railroad Passenger Corporation (Railpax) has announced the routes of passenger trains to be continued. Many regions will lose even the minimum passenger service they had before the consolidation.

We in the McPherson region are fortunate that we will lose nothing. We had no passenger service through McPherson before the consolidation. To ride a train, we had to go to Newton. We can still do that because Newton is included in the new routes, if we want to ride a train.

Nationwide, the routes look quite sensible, but will they be patronized any better than before the consolidation?

That depends entirely upon how much Railpax will improve service. Passenger service has dwindled so badly that even many of the cars are old-style, poorly maintained and dirty. Passenger crews have become about as indifferent to the passengers' comfort as the airline crews.

If rail passenger service and comfort is brought back to where it was 10 or 20 years ago, there is hope of increased passenger patronage.

If service is not brought back to where it once was, the new plan will fail as dismally as the old system.

Passengers do like to be treated decently whether airline, bus or railroad. Many are likely to use the service which treats them the best, even though rail travel is slower than air.

CANCER AUTHORITY ACT SUPPORTED BY ANN LANDERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HAMILTON. Mr. Speaker, I was pleased to learn last week that the bill to create a National Cancer Authority has received some well-deserved publicity. The minimal funding of cancer research was the topic of an Ann Landers column on April 20.

I bring her column, and an article describing the response it provoked, to the attention of my colleagues:

ANN LANDERS

Dear Readers:

If you are looking for a laugh today, you'd better skip Ann Landers. If you want to be part of an effort that might save millions of lives—maybe your own—please stay with me.

Who among us has not lost a loved one to cancer? Is there a single person in my reading audience so incredibly lucky that his life has not been changed in some way by this dread disease? More Americans died of cancer in 1969 than were killed in the four years of World War II. Of the 200 million Americans alive today, 50 million will develop cancer. Approximately 34 million will die of it. Cancer claims the lives of more children under 15 years of age than any other illness.

How many of us have asked the question, "If this great country of ours can put a man on the moon why can't we find a cure for cancer?" One reason is that we have never launched a national campaign, a united effort, against this killer disease. Another reason is money. The funds designated for medical research in America are grossly inadequate. Government grants for medical research have virtually dried up. The lion's share of the tax dollar is going to defense.

The following statistics shook me. They tell an interesting (and shameful) story

about the priorities in this country. In 1969, for every man, woman and child in the United States our government spent:

\$125 on the war in Vietnam.

\$19 on the space program.

\$19 on foreign aid.

89 cents on cancer research.

Soon a bill will come before the United States Senate which calls for the establishment of a National Cancer Authority. This bill, S-34, will be sponsored by Sens. Edward Kennedy and Jacob Javits. The proposed National Cancer Authority would be an agency similar to the National Aeronautics and Space Administration (NASA) which put men on the moon. This Conquest of Cancer bill demands that the highest priority be given to devise better methods of prevention, diagnosis and cure of cancer at the earliest possible date.

Today you have the opportunity to be a part of the mightiest offensive against a single disease in the history of our country. If enough citizens let their Senators know they want Bill S. 34 passed, it will pass.

I urge each and every person who reads this column to write to his two senators at once—or better yet, send telegrams. If you don't know the names of your two senators, call your newspaper and ask the switchboard operator. Address your letter or telegram to: Senator _____, Senate Office—Building, Washington, D.C., 20510.

Your message need consist of only three words. "Vote for S. 34." And sign your name, please.

No one can do everything, but each of us can do something. It is entirely possible that this one small act could reshape the lives of millions. Get moving. My telegrams to Sens. Charles Percy and Adlai Stevenson went out last night.

Thanks—and God bless.

CANCER LETTERS

Sen. Charles H. Percy (R-Ill.), said he and his colleagues have been inundated with "vote for cancer legislation" mail the last two days from people responding to a newspaper columnist's plea.

Ann Landers, whose column responds to personal problems, in Tuesday's newspapers urged readers to write their congressmen and senators to vote for cancer research legislation.

Percy said he received about 3,000 letters and telegrams Wednesday and yesterday in response to the column.

Miss Landers said she had already sent her telegrams to her senators, Percy and Sen. Adlai Stevenson III, (D-Ill.).

A spokesman in Stevenson's office said he also had received close to 2,000 telegrams and letters so far, and they "were still pouring in."

Sens. Edward M. Kennedy, (D-Mass.), and Jacob Javits, (R-N.Y.), sponsors of the legislation, also have been getting "hundreds of telegrams" in favor of the cancer bill.

Miss Landers began her column by saying: "If you are looking for a laugh today, you'd better skip Ann Landers."

She quoted 1969 figures on per capita government spending: \$125 on the Vietnam war, 89 cents on cancer research.

SURPRISE TRIBUTE FOR CLINT FURRER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. HOSMER. Mr. Speaker, tonight at the Army-Navy Country Club in Arling-

ton, dozens of admirals, generals, colonels, and other military men of many ranks, will gather to pay a surprise tribute to an old and dear civilian friend.

The occasion is the annual alumni dinner of the Armed Services Committee of the Long Beach Chamber of Commerce. The guest of honor tonight will be Clint Furrer, chairman of the committee and one of the most distinguished and selfless citizens of Long Beach.

Regrettably, Clint will not be on hand tonight. He was hospitalized recently and is now recovering at his home in California. However, a telephone speaker hook-up has been arranged to enable him to share the evening's activities.

Two old friends, Adm. Norm Gillette and Adm. Jimmy James, have arranged a program of honors and tributes for his three decades of service to the men and women of the Armed Forces in the Long Beach area.

Clint's contributions to making his city a hospitable and cooperative home for Americans in uniform are legend. As an indication of this, in 1955 he received the Navy's highest civilian honor, the Distinguished Public Service Award.

That was over 15 years ago, but he has not stopped or slowed down since. He has helped Reserve officers obtain civilian employment in the area as they were released to inactive duty, he assisted the Marine Corps in getting a desperately needed water supply at the El Toro Air Station, he generated public support to build an Armed Forces YMCA, and he established a detailed program to improve military-civilian relations and service morale. These are but a few of his countless good works.

As a result of his efforts, America's Armed Forces look upon Long Beach as a friendly community where civilians and the military benefit the other.

Mr. Speaker, I am pleased to count myself among Clint Furrer's friends, and I join in this richly deserved tribute to "Mr. Navy" of Long Beach.

POLITICAL HOKUM STARTS DOWNHILL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. DERWINSKI. Mr. Speaker, it has long been my opinion that journalists assigned to Washington become so engrossed in personalities and issues as they are seen here that they lose the balanced touch needed to report objectively. However, the journalist who looks at Washington from a distance, without his judgment being affected by emotions whirling through the capital, very often presents a more logical analysis of Washington, D.C.

I believe this is borne out by an editorial in the Tri-City Advertiser of Wednesday, April 21, in which Bob Shackleton, the publisher, very properly comments on the political motivation behind a few Washington issues.

The editorial follows:

POLITICAL HOKUM STARTS DOWNHILL

We are more certain than ever after following the election campaigns, especially on the national level, that the one vitally important thing the politicians have to consider is that they learn that the majority of the American voters, be they aged or young, are not a bunch of stupid idiots and that they are extremely capable of distinguishing between illogical campaign arguments, pure unadulterated political foolishness and nonsense.

The local village elections, when you read this, will have been settled and while the campaigns were along the usual lines, local citizenry were spared the crucifying ordeal of TV and picture exposure which by now, on the national level has become somewhat boring and one-sided. Our village campaign publicity was, as you appreciate, on the written and printed side giving us an opportunity to use the waste basket, if we so desired.

Again, locally, we have the opportunity of attending the village board meetings and inquiring at the village clerk's office for any pertinent information we may desire. That eliminates the process of making statements without hard fact proof. We can find out the facts and do not have to depend on wild statements made over the TV and radio, and the latter, unless refuted honestly, make it difficult for the common citizen to proceed in a search for truth.

However, it is now apparent that, on the national level the wild orgy of unjust accusations may be nearing an end.

Of late there has been a none too pure campaign of vilification against the FBI and its Director. For us, we'll take his 47 years of devoted service to his country and his fellow men as sufficient proof of his integrity.

These protesters seeking his removal from office have been hurling accusations far and wide, many of which have been proven lies by those in a position to know. Some have been obliged to shut up.

And now comes Senator Sam Erwin (D., N.C.) who is regarded as one of the most adept and learned legal minds in Congress and served on high courts in his state. Bugged to proceed with an investigation of the FBI wire tapping he has announced he would proceed to investigate only when hard facts and evidence were presented to his committee of Congress.

Now, just Tuesday, he announced, publicly, that in his investigation of the Army and other government snooping on which he is now holding hearings, he has thus far seen no evidence that the FBI has done anything illegal. This comes from a Democratic statesman, held in high regard, and we are inclined to assess his views as being indicative that a lot of political hokum is going around.

And so we close our dissertation with a humorous, yet intensely used, statement appearing in the news media Monday when one reader wrote:

"Have you noticed that the party in the White House always has all the problems, while the party that's out always has all the solutions?"

So mote it be.

A CONGRESSIONAL TRIBUTE TO DOLORES HOPE—A GREAT AMERICAN

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. VEYSEY. Mr. Speaker, today I ask my colleagues to join with me in

honoring a great American—one who, by personal choice, has remained in the shadow of her husband, another great American whom we all know and highly admire.

I am speaking of Dolores Hope, wife of Bob Hope. She has personified the ultimate in being a wife, a mother, and a contributor to bettering her fellow man.

Friday night, in Palm Desert, Calif., the heart of my 38th Congressional District, Dolores Hope will be honored for the third time as honorary mayor of that beautiful city—home of the famed Bob Hope Desert Classic Golf Tournament.

I call to the attention of my colleagues a few of the many contributions of this gracious lady.

One of her current projects is the Eisenhower Medical Center in Palm Desert, which is being constructed on an 80-acre plot donated by Bob and Dolores Hope. The proceeds of the Bob Hope Desert Classic are going into the center, as are \$1.8 million raised by the Hopes at a \$1,000-plate special benefit dinner held recently.

In 1964, Dolores Hope was named Lady of the Year by Notre Dame University; in 1966, Georgetown University awarded her the coveted Eleanor Darnell Carroll Award, for her contributions as a wife, as a mother, and to her community; in 1967, she was honored as the Outstanding Mother of the Year, by Helping Hand, a women's charity organization affiliated with Cedar's Sinai Hospitals; that same year, she was awarded the President's Medal by Loyola College of Baltimore; in 1968, St. Louis University named Dolores Hope Outstanding Catholic Laywoman; in 1969, she was recognized around the world for her contributions while traveling with her husband to entertain our troops in Berlin and Italy.

Her performances then, as well as during a similar tour with her husband in 1967 to Southeast Asia, endeared her to millions of Americans, who had the privilege to see her on nationwide television.

In 1970, the USO awarded Dolores Hope special honors for her contributions to our servicemen.

In addition, she holds existing scholarships at Georgetown University, St. Louis University, Immaculate Heart College in Los Angeles, and Loyola High School in Los Angeles.

Her active participation in civic organizations is another aspect of her contributions to the betterment of our society.

She is a founder and patron of the Los Angeles Music Center, and of the Los Angeles County Art Museum; she is a principal figure in the Los Angeles Zoo Association, the John Tracy Clinic for the Deaf, the United Fund, the Hollywood Family Adoption Service, and the National Parkinson's Disease Foundation; and she is active in the Christopher's and in the television program, Insight.

Mr. Speaker, few Americans have made greater efforts and sacrifices to improve the lives of those around them, than has Dolores Hope. This congressional tribute is but a token of our appreciation for her tireless dedication.

FARM TRUCKS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1971

Mr. MICHEL. Mr. Speaker, I know that many of my colleagues who represent rural America are as concerned as I am about the Department of Transportation actions relating to drivers of farm trucks.

I think the following editorial from the April 17 issue of the *Prairie Farmer*

sums up my feelings on this matter very concisely:

THIS FARM REGULATION DOESN'T MAKE SENSE

A Department of Transportation edict says that effective July 1 no youth under 21 can drive a truck. Farmers are understandably appalled at the stupidity of this ruling.

The weakness of such a blanket directive from Washington was never so obvious. Actually the ruling was directed at the trucking industry which generally involves large heavy tractor trucks engaged in interstate hauling. Few would argue that skilled mature drivers are essential for this work.

Unfortunately, the federal regulation indiscriminately covers farm youth driving small pickup trucks as well. There is method in

this, madness, of course. Some safety regulation is good and necessary, but many grown men can remember driving farm trucks at an early age without mishap.

Farmers have a safer record as truck drivers than commercial teamsters. Farmers drive 3.7 million trucks, generally in short hauls and by family members as well as hired help. Insurance records show that they have only one-third of the bodily injury accidents for all nonfleet commercial vehicles.

The department of transportation has delayed its decision on this matter until July 1. We trust that Secretary John Volpe will see fit to extend the exemption to farm youth driving farm trucks. It makes no sense to entangle farmers further in more high-cost red tape.

HOUSE OF REPRESENTATIVES—Thursday, April 29, 1971

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I trust in the steadfast love of God forever and ever.—Psalms 52: 8.

Most Gracious God and Father of mankind, we give Thee our humble and hearty thanks for this good land in which we live and for which we labor, for the freedoms which are ours, for the privileges we enjoy, and for the opportunities open to us day after day. May we be conscious of the responsibilities laid upon us as a free people to so live and to so labor that freedom may continue to be the air we breathe and the atmosphere in which we do our work.

Bless and guide all who work for our country—our President, our Speaker, our Members of Congress, our judges, our Armed Forces, our prisoners of war, all who work on the earth, under the earth, and above the earth. May these labors be done for Thy glory and for the good of mankind. Thus may America be the enduring pattern of justice and peace in our world.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

HON. MENDEL J. DAVIS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina, Mr. MENDEL DAVIS, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with respect to his election.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MENDEL J. DAVIS appeared at the bar of the House and took the oath of office.

A CALL FOR THE RESIGNATION OF UMW PRESIDENT W. A. "TONY" BOYLE

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, a tremendous victory has been scored for the forces of decency within the United Mine Workers of America. The decision of the U.S. district court late yesterday confirmed the conspiracy charges against UMW President W. A. "Tony" Boyle involving the union, the UMW-controlled National Bank of Washington, and the UMW welfare and retirement fund.

This decision is great news for all coal miners, widows, and survivors who have been bilked out of their hard-earned investments through this giant conspiracy involving millions of dollars. The court made it clear that this welfare and retirement fund belongs to the coal miners and their families, rather than being the property of the union or Tony Boyle's whims.

One by one, all of the charges made by the martyred "Jock" Yablonski during his 1969 campaign for the UMW presidency are being proven true. I was proud to campaign shoulder to shoulder with Jock Yablonski during that turbulent campaign in an attempt to restore the rights of coal miners who have been kicked around and exploited too long.

Not long ago, Mr. Boyle was ordered removed as a director of the UMW-controlled National Bank of Washington. Now he has been ordered removed as a trustee of the UMW welfare and retirement fund. And I predict it will not be long before he is removed as president of the union itself.

Mr. Boyle ought to resign now and enable the coal miners to be represented by a strong, clean union which stands up for the rights of all miners throughout the coal fields.

CENSURE CALLED FOR ON MEMBERS' MISUSE OF MEETING ROOMS

(Mr. WYMAN asked and was given permission to address the House for 1

minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, I rise to protest against the misuse of facilities and rooms of the Congress by certain Members purporting to conduct congressional hearings on so-called atrocities by members of the armed services of the United States. The use of rooms and facilities of the House to willfully undermine our Armed Forces, damage the reputation of the United States at home and abroad, as well as to make infinitely more difficult the release of our prisoners of war or a negotiated settlement in Southeast Asia, by Members of Congress without any committee authorization whatever, is a deliberate misuse of the facilities of the Congress.

Its continuation is a disgrace to the House and an affront to the authority of Congress itself. No such hearings have ever been authorized. The public is being misled.

A more contrived assault on both the reputation of our fighting men or the jurisdiction of the House Armed Services Committee, would be hard to find. It's hard to see how Congress can complain of permissivism in the Nation if it is to be itself permissive toward such misuse of its facilities and abuse of its standing committees.

Mr. Speaker, I urge that this activity be stopped and that it be made clear that in the future the facilities of the Congress may not be used lacking authority from the House. This sort of conduct while our men are fighting abroad is disgraceful. I believe it merits censure.

Because of the limitations of the 1-minute rule I shall extend these remarks further in the body of the RECORD.

GREEK GOVERNMENT MOVING TOWARD NORMALITY

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, when the present Government of Greece took control of the country in 1967, it was subject to a standard attack from the liberal establishment. Since then, the Greek Government has been subject to a con-