TWO IN SERVICES

Mr. Furtado's son Stanley became 17 years of age three months ago and observed the occasion by joining the Navy. A brother, Frank, volunteered for the Army in December, 1941 and is now on active duty somewhere in the South Pacific. Two other brothers, Manuel and John Furtado, hold important positions on the waterfront with Castle and Cooke, Ltd.

Mr. Furtado, known to his friends as Louie, attended Kalihiwaena School and is a graduate of Saint Louis College. He was noted for his playing on the Kalihi football team in the "barefoot league" and captained this organization for several seasons. He has also been keenly interested in other sports.

His brother, William, said last night that "there'll be celebrating when Louie comes home."

"We hardly hoped to see Louie alive again," he said. "This has been a wonderful day for dad and the entire family."

In addition to his son Stanley, Mr. Furtado's children are Mildred, 15, Louis, Jr., 12, and Marian, 13. He also has five sisters residing here, Mrs. Alexandria Almeida, Mrs. Mary Enos, Mrs. Rose Denis, Mrs. Irene Amaral and Mrs. Adele Bortfield.

PRESUMABLY ESCAPED

It is presumed that Mr. Furtado was held in a prison camp on Guam by the Japanese and escaped to the hills a month ago, hiding out there until rescued by the Marines. However, details of his experiences on Guam will be told when he returns to Honolulu, and his father, children, brothers and sisters all hope that his return will be soon.

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GIVEN UP FOR LOST, LOUIS FURTADO RETURNS FROM GUAM IMPRISONMENT AND DEATH THREAT—CAUGHT WHEN ISLE FELL, LOCAL MAN ESCAPED FOE—CHILDREN THRILLED BY FATHER'S SOUVENIR BAG

(By Dorothy Benyas)

To a native son, Louis Furtado, Honolulu yesterday looked like paradise regained after it had been lost four years. He was a civil service employe of the U.S. Navy, a chief clerk, on Guam when it fell to enemy invaders on Dec. 11, 1941.

Surrounded by two of his four children, his father, brothers, numerous other relatives who hung on every word and filled their eyes with the sight of their "Louey" home again, he gave a stark account of events from the day he was transferred from Pearl Harbor, July 24, 1941, his 32nd birthday, to October 5, 1944.

"I had been detailed with a group of native navymen to unload gasoline and we were busy unloading when the Japs came at us from two directions," Louis began. "We were caught between two fires, with no chance of getting back to the government house. I saw to it that all the natives got home safe on their farms. That took two days. Then I surrendered. The Japs put up posters in Chamorro, saying all citizens of Hawaii and the Philippines would be set free, and Japan had captured both places, which made them alien citizens of the empire.

"The Menseisho, officers of civil affairs, also told me this. I was the only boy from Hawaii. One other citizen from Hawaii was Mrs. A. L. Cruz who had married a Chamorro. I was always under suspicion because I sang God Bless America. Speaking or singing English was strictly tabu. I got slapped many times for not speaking Japanese."

GUAM PIED PIPER

He soon became the Pied Piper of Guam by herding native youngsters together and leading the singing of his favorite tune, God Bless America, which they knew by heart already, Louis said. "When the Japs came after me for that crime, I was gone," he chuckled. "The words made them mad. But they had music too. Once I heard "Alekoki' on a recording with Jap words. What brought me real pilikia was a radio, I'd borrowed. Radios were absolutely forbidden everybody. A Spanish priest, educated in the Philippines who was just swell to me, got his head cut off for tuning up his radio and being an American sympathizer. Boy, that nearly beat me.

"Right afterwards, I saw a wholesale murder of American sympathizers. One native who befriended me got his 'neck cut,' as they called it, for having a gun. Then his whole family was lined up to take the same punishment for not turning it in. They never found the gun, anyway. The prisoners weren't eating at all by then, there was no chow for them, so they were ordered home and told they'd be sent for later. Then the Japs found out I was operating a radio and ordered me back in. That's when I did a wrong-way Corrigan. I couldn't get along very well without my neck."

Before his wrong-way takeoff, Louis had enjoyed partial freedom, farming a borrowed piece of property. "Hospitality on Guam works overtime," he explained his good fortune there. "I had a swell place with chickens and pigs and such. I had to kill them for my chow when I ducked into the woods. I kept under cover in the north end of the island. When my chow was all gone I ate wild breadfruit, wild berries and sucked drinking water from the ground. It rained every night, lucky for me.

"Came the day our planes flew over. They were firing all around me. I ran from my hideout, waving my ragged shirt. I was sure they would land somewhere near but American forces had been on the island three weeks before I knew it. I'd heard a shout and some cuss words about a truck in our own lingo. I thought, "Jeez, that's American talk! Was it a swell feeling! Then Marines picked me up and next thing I was putting away some good chow, pork and beans, real coffee. First time in I'd forgotten how long!"

BAG OF SOUVENIRS

Almost beside himself with relief and anticipation of his homecoming, Louis then traded his ragged clothes for Marine Corps handouts. Nothing remained of his possessions but the borrowed clothes he stood in yesterday. However, the bag of souvenirs he had lugged home held his overjoyed family spellbound; an elaboratively marked towel of an enemy officer, a ——— with 'banzai!' lettered on besides a blanket and wads of occupation money. Marian 14, and Louis, Jr., 12, were on deck for the family reunion but Mildred, 10, another daughter who was in school, and Stanley, 18, who is on Navy duty, were missing. His father, Joseph Furtado, two brothers, Manuel and William, helped make the day red-lettered for Louis.

His first concern was over voting for his brother William, a candidate for the House of Representatives from the 5th District, and finding Frank, the kid brother who volunteered December, 1941, and is now an Army private somewhere in the Pacific. When one of the admiring circle around him suggested rather than ordered him to do something, Louis cracked "Pipe that and me a civilian!" But he admitted it wouldn't be for long. As soon as he catches his breath, he wants to join the Army and fight beside Frank.

FOOLED LABOR BOSSES

"It was a tough four years but I can joke about it now," he smiled. "My luck held except once." A long, three-pronged scar on his left under arm will always remind him of the day he was caught "in town" and ordered to report for work on an airfield. The only way he could avoid that and still keep his head fastened on his neck was to have scalding water showered over him. Severe burns on his head, shoulders and arms healed at last with no trace of scar tissue except on his left arm."

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# SENATE—*Tuesday, June 1, 1971*

The Senate met at 12 o'clock noon, and was called to order by the President pro tempore (Mr. ELLENDER).

The Reverend Dr. Thomas A. Stone, associate pastor, National Presbyterian Church, Washington, D.C., offered the following prayer:

Great God, we stand before Thee at a particular place in the vast reaches of Thy space and at a particular time on the vast plane of Thine eternity. We thank Thee for the purposes of Thy creation still guiding us toward the goals at the end of time. With them in mind we pray for the brotherhood of all mankind under Thy Godhead and Fatherhood. We pray for the Spirit that will give us of Thy kingdom, for comfort for our mourning, for an inheritance with our meekness, for a righteousness to satisfy hunger, and for a mercifulness and a purity of heart to make us peacemakers and Thy children. Thus may we in our strength be ready to stand for right and fight for truth while we love peace in our hearts and minds.

On occasions we have broken Thine eternity into measures of man's time—years, weeks, hours—that we could waste and squander. Let us in this present feel the moment of our time as a part of all time, our action as that for every citizen of our country as under God marching toward the coming Kingdom, and our emotions identified with Thy ministering love and compassion.

And so give us of Thy spirit that this may be truly Thy day and we may be Thy people. May Thy blessing rest on the Members of this body and the work done here this day—as for this we pray. Amen.

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## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

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## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

(The nominations received today are printed at the end of the Senate proceedings.)

## THE JOURNAL

Mr. MOSS. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 26, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MOSS. Mr. President, I ask unanimous consent that there be a brief period, not to exceed 30 minutes, for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## LAYING BEFORE THE SENATE OF THE UNFINISHED BUSINESS AT CONCLUSION OF MORNING BUSINESS TODAY

Mr. MOSS. Mr. President, I ask unanimous consent that at the conclusion of morning business today, the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## REPORT ON INTERPARLIAMENTARY UNION MEETING HELD IN CARACAS, VENEZUELA, APRIL 12–18, 1971

Mr. SCOTT. Mr. President, this is a report on the Interparliamentary Union meeting which I attended April 12–18 in Venezuela—a meeting of approximately 300 delegates from some 50 countries, including a delegation of six Members of the U.S. Senate and six Members of the House of Representatives.

The Interparliamentary Union is the oldest of the interparliamentary organizations, having originated in 1889 when, on the initiative of Sir William Randal Cremer of Great Britain and Mr. Frederic Passy of France, a first interparliamentary conference for international arbitration, attended by delegates from nine countries, including the United States of America, met in Paris. By 1894 the movement had developed into a permanent organization, with its own statutes and secretariat, named the Interparliamentary Union. Over the years, the Union has pursued and expanded its activities, and the total number of active parliamentary groups now totals 67. Meetings are held twice each year—in the spring, when the work is done in committees, and in the late summer or fall, when there are plenary sessions to discuss the resolutions which come out of the spring committee meetings.

The aim of the Interparliamentary Union is to promote personal contacts between members of all parliaments in order to encourage the development of democratic institutions and promote international peace and cooperation.

At the spring meetings, such as the one we just attended in Caracas, Venezuela, there is a particularly good opportunity in the committees to become acquainted with members of the various parliaments and discuss world problems. I served with Senator LEE METCALF of Montana and Representative ALEXANDER PIRNIE of New York on the Committee on Political Questions, International Security and Disarmament. We discussed a wide variety of subjects with representatives of the parliaments of all areas of the world—Western Europe, the Iron Curtain countries, Middle East, Far East, Africa, Australia, Canada, and Latin America.

The other members of our delegation—Senators LEN B. JORDAN of Idaho, VANCE HARTKE of Indiana, HARRISON A. WILLIAMS, JR. of New Jersey, and JACK MILLER of Iowa and Representatives EDWARD J. DERWINSKI of Illinois, JOHN S. MONAGAN of Connecticut, ROBERT MCCLORY of Illinois, and F. BRADFORD MORSE of Massachusetts—served on the other four committees, the Economic and Social Committee, the Parliamentary and Juridical Committee, the Educational Scientific and Cultural Committee and the Committee on Non-Self-Governing Territories.

Representative EDWARD J. DERWINSKI, Republican of Illinois, was chairman of the U.S. delegation and served as vice chairman. Our delegation was pleased to have Representative ROBERT MCCLORY reelected vice chairman of the Committee on Educational, Scientific, and Cultural Matters.

I was especially impressed not only with the dedication and ability of the individual U.S. delegates as they worked at the conference but also in their other activities during the days in Venezuela. We, of course, learned much about the situation in Venezuela and our relations with that country from briefings we received from our U.S. Ambassador, The Honorable Robert McClintock, and his staff, and from the representatives of American oil companies, who gave us a thorough explanation of the petroleum situation. Making use of the information gained from these briefings individual members of our delegation found time between meetings of their committees to participate in a variety of activities in which they represented the United States and the Congress in a most exemplary way. Representatives HAMILTON and MORSE, both of whom along with Representatives MONAGAN and DERWINSKI are members of the House Committee on Foreign Affairs, took extensive tours of the barrios, the mountain-slope areas of the city of Caracas. Representative DERWINSKI and Senator METCALF visited the American Embassy and spoke with Embassy personnel. Representative DERWINSKI, Senator VANCE HARTKE, and Representatives MORSE and HAMILTON accepted invitations to visit schools and talk with the students. Representative DERWINSKI and I accepted the opportunity afforded us to meet privately with the President of Venezuela, H. E. Rafael Caldera. And on another occasion three of my colleagues and I had a most interesting and enlightening luncheon meeting with a group of Venezuelan intellectuals.

I returned to Washington after a week in Venezuela with the feeling that not only had the U.S. delegation represented our country in a commendable manner but we had learned much from our discussions with the representatives of the parliaments of the world, and with both Venezuelan and American officials and nonofficials in the Caracas area.

## EXECUTIVE SESSION

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the executive calendar will be stated.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the Coast Guard, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MOSS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MOSS. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, Senate Joint Resolution 103, a joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day."

## ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

(The remarks of Mr. CURTIS when he introduced Senate Joint Resolution 105 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

DISBURSEMENTS UNDER "CONTINGENCIES, DEFENSE" OF THE DEFENSE APPROPRIATION ACT, 1971

A letter from the Deputy Secretary of Defense reporting, pursuant to law, disbursements made against "Contingencies, Defense," of the Defense Appropriation Act for 1971; to the Committee on Appropriations.

APPROVAL OF LOANS BY THE REA

Two letters from the Administrator of the Rural Electrification Administration transmitting, pursuant to law, information regarding the approval of certain loans for the financing of generating and transmission facilities (with accompanying papers); to the Committee on Appropriations.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce submitting, pursuant to law, a report on export control covering the first quarter of 1971 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

MAJOR NATURAL GAS PIPELINES

A letter from the Chairman of the Federal Power Commission transmitting a map of the major natural gas pipelines as of December 31, 1970 (with accompanying map); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

Four letters from the Comptroller General of the United States transmitting, pursuant to law, four reports; one dealing with the financial soundness of loans to grazing associations, a report on the inventories at naval shipyards, the excesses and improvements made; a report on the more effective use of manpower and machines recommended in mechanized post offices; and a report on the need for improved review and coordination of the foreign affairs aspects of Federal research (with accompanying reports); to the Committee on Government Operations.

REPORT ON THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a report under section 511 of the Federal Coal Mine Health and Safety Act of 1969 (with accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENTS OF THE JOHNSON-O'MALLEY ACT

A letter from the Acting Secretary of the Interior submitting proposed legislation to amend the Johnson-O'Malley Act, and for other purposes; with accompanying papers; to the Committee on Interior and Insular Affairs.

PROPOSED PROJECT FOR GASIFICATION OF BITUMINOUS COAL

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract for a research project entitled "Renovation and Operation of HRI Coal Gasifier" (with accompanying papers); to the Committee on Interior and Insular Affairs.

## PETITION

A petition was laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the General Assembly of the State of Tennessee; to the Committee on Commerce:

"HOUSE JOINT RESOLUTION 150

"A resolution to memorialize the U.S. Congress to amend the Daylight Saving Time Law to end daylight saving time each year on the Sunday immediately preceding Labor Day

"Whereas, the present nation-wide system of daylight saving time extends for a six-months period, from the fourth Sunday in April until the fourth Sunday in October; and

"Whereas, during the latter part of that period, as the days begin to get shorter and daylight comes later, daylight saving time works a hardship on school children of tender years and inconveniences their families, because in many areas the children have to go out in the dark of night to wait for school buses and in some cases parents are obliged to accompany their children to assure their safety and well-being; and

"Whereas, the period of daylight saving time is too long and should be shortened so that the observance of standard time in the various time zones in the United States will be resumed at an earlier and more realistic date; now, therefore,

"*Be it resolved by the House of Representatives of the Eighty-Seventh General Assembly of the State of Tennessee, the Senate concurring,* That the Congress of the United States is hereby memorialized and urged to amend the Daylight Saving Time law to provide for the ending of daylight saving time each year in the several times zones of the United States at 2:00 a.m. on the Sunday immediately preceding Labor Day; and

"*Be it further resolved,* That copies of this resolution be forwarded to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and to each Member of Congress from Tennessee."

## PUBLIC WORKS ACCELERATION ACT—REPORT OF CONFERENCE COMMITTEE (S. REPT. NO. 92-137)

Mr. RANDOLPH, from the committee of conference, submitted a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, which was ordered to be printed.

## BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HART:

S. 1969. A bill to suspend the death penalty for 2 years. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 1970. A bill to amend the Employment Act of 1946 to provide for an informed public opinion upon price and income behavior which threatens national economic stability. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCOTT:

S. 1971. A bill to declare a portion of the Delaware River in Philadelphia County, Pa., nonnavigable. Referred to the Committee on Commerce.

By Mr. MILLER:

S. 1972. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to bargain regarding agricultural products, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HARTKE (for himself, Mr. SCOTT, Mr. SCHWEIKER, Mr. BAYH, Mr. BROOKE, Mr. BUCKLEY, Mr. CRANSTON, Mr. HART, Mr. HOLLINGS, Mr. HUMPHREY, Mr. KENNEDY, Mr. METCALF, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1973. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH:

S. 1974. A bill for the relief of Isabel Manestar. Referred to the Committee on the Judiciary.

By Mr. CURTIS (for himself and Mr. HARRIS):

S.J. Res. 105. A joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups." Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART:

S. 1969. A bill to suspend the death penalty for 2 years. Referred to the Committee on the Judiciary.

DEATH PENALTY SUSPENSION ACT

Mr. HART. Mr. President, I introduce a bill to suspend for a period of 2 years the execution of prisoners under sentence of death in the States. The bill would provide breathing space for Congress to consider whether it should exercise its power under section 5 of the 14th amendment to abolish capital punishment in this country. It would also enable State authorities who are now reexamining this question more time for a thorough reappraisal of their own policies. Before I turn to the constitutional basis for my bill, let me first briefly describe the factual situation which, I believe, makes legislation of this kind imperative today.

Since the Supreme Court has recently rejected several procedural challenges in death penalty cases, I fear a renewal of efforts to carry out many of the 650 executions that have been stayed during the past 4 years. The Court's decisions in the Crampton and McGautha cases, just 3 weeks ago, remove the underpinnings from these stays and reprieves. They thus create the prospect which is, to me at least, deplorable and alarming. If the Congress or the States should determine to abolish the ultimate penalty, there could be no reparation for those who were executed in the meantime.

Surely at no time in our history could we less afford the movement away from reason and compassion toward violence and vindictiveness which such a spectacle would represent. In these circumstances, it seems to me that Congress should not

shrink from its responsibility to consider the remaining constitutional issues raised by capital punishment. There are two main bases for possible congressional action:

Evidence that the death penalty is imposed in a discriminatory manner on minorities and the poor in violation of the 14th amendment; and

A growing basis for congressional determination that, today, executions constitute "cruel and unusual punishment," in violation of the eighth and 14th amendments.

There is considerable basis on either or both of these grounds for Congress to conclude that it should abolish the death penalty under its power to enforce the 14th amendment. At the conclusion of my remarks, I shall insert in the RECORD a legal memorandum prepared at my request by the Washington research project which indicates why Congress might conclude the death penalty amounts to cruel and unusual punishment which it can prohibit under section 5 of the 14th amendment and that the administration of capital punishment in this country has been so tainted by racial and class discrimination that abolition of the death penalty is the only effective remedy to enforce the requirements of the equal protection clause. Let me briefly outline the arguments here.

CRUEL AND UNUSUAL PUNISHMENT

Death—the "ultimate penalty"—is incomparably the harshest punishment known to our law. Not only is life itself taken, it is taken in a manner imposing the most terrible mental suffering, which can lead to insanity or suicide. In "Reflections on the Guillotine," Camus wrote:

> Many laws consider a premediated crime more serious than a crime of pure violence. But what then is capital punishment but the most premeditated of murders, to which no criminal's deed, however calculated it may be, can be compared? For there to be equivalence, the death penalty would have to punish a criminal who had warned his victim of the date at which he would inflict a horrible death on him and who, from that moment onward, had confined him at his mercy for months. Such a monster is not encountered in private life.

There is also the suffering inflicted in the execution process itself. For those who regard this horror as trivial, I suggest they read the arresting testimony of Warden Duffy at hearings I chaired on capital punishment several years ago.

Moreover, studies have shown capital punishment to be unnecessarily cruel because there is simply no evidence that it provides any greater deterrent to serious crime than does the threat of life imprisonment. Former Gov. Pat Brown, of California, has observed:

> The naked simple fact is that the death penalty has been a gross failure. Beyond its horror and incivility, it has neither protected the innocent nor deterred the wicked.

Indeed, we are not even consistent, since deterrence presumably suggests maximum publicity. Yet, we have recognized that public killings, whether sanctioned by law or not, whether in the name of agression of defense of country, can brutalize the human spirit, and we carry out our executions in private. New York first prohibited public executions in 1835; Kentucky, the last State to ban them, did so in 1937.

Further, the death penalty has become "unusual" in a constitutionally significant sense. Even before the hiatus of the last 4 years, executions had become infrequent. The few victims of capital punishment have been selected sporadically in part by chance and in part by the vagaries of public opinion. This situation, hardly a model of the rule of law when life and death are at stake, also suggests a finding of an "unusual" punishment within the meaning of the eighth amendment.

Finally, the issue cannot be resolved merely by noting that capital punishment was accepted at the time the eighth amendment was drafted. The framers deliberately chose broad language. The Supreme Court has held that scope of the prohibition must develop with the growth of civilized principles of penology, and "draw its meaning from the evolving standards of decency that mark the progress of a maturing society."

That the Supreme Court has not itself ruled the death penalty cruel and unusual punishment does not mean that Congress could not do so. In Katzenbach against Morgan, the Court upheld our provision in the Voting Rights Act of 1965 which struck down, on equal protection grounds, denial of the vote by the States to citizens literate only in Spanish, even though it had ruled only a few years earlier that English literacy tests did not violate the 14th amendment. The Court said that when Congress finds a constitutional violation, the courts must sustain the finding if they can "perceive a basis" for it—even if they have not yet made the same finding themselves. Today, with the increasingly widespread revulsion at organized murder and violence in the name of society, there is surely more than a "perceptible basis" for a congressional finding that the death penalty is cruel and unusual punishment.

EQUAL PROTECTION

It is beyond question that racial discrimination in criminal sentencing violates the equal protection clause. And there can be little doubt that racial discrimination permeates the whole history of capital punishment in this country. The problem has been most publicized with respect to executions for rape in the South, which call almost entirely on black defendants. But careful studies by criminologists have shown that the problem is indeed nationwide and is not confined to the crime of race. In the Northern States studied, such as Ohio, Pennsylvania, and New Jersey, the figures show that substantially higher proportions of black defendants convicted of capital crimes are executed than are whites convicted of the same crimes.

In these circumstances, Congress may eliminate the discriminatory impact by removing the opportunity for it—the death penalty itself. We are not confined to prohibiting death sentences where specific intent to discriminate can be proved. The best precedent is again the nationwide ban of literacy tests for voting. In the 1965 Voting Rights Act, the Congress suspended literacy tests in certain States on the basis of statistical evidence of racial discrimination. The Supreme Court unanimously upheld our action. In our 1970 voting rights amendments, at the urging of the administration, we extended that ban nationwide, even to States where no showing of discriminatory use of the tests had been made. Again the Supreme Court unanimously approved, noting our power to strike at discrimination broadly and effectively rather than on a case-by-case basis by prohibiting devices which have had a discriminatory impact.

I have only briefly summarized the constitutional arguments here; they are spelled out at greater length and documented in the memorandum from the Washington research project.

To this point, I have been arguing that Congress might constitutionally legislate to abolish the death penalty permanently. The bill I introduce, however, does not go this far. It would merely stay any use of the death penalty for a period of 2 years, so that Congress might calmly and rationally consider the constitutionality of the death penalty and the propriety of permanently legislating against it. Legislation of the sort I have been discussing does impinge upon an area—the setting of criminal punishments—which traditionally has been left to the States, and we should not rush into it.

Quite the contrary, full consideration is in order, and our able colleague, the Senator from North Carolina, and his Subcommittee on Constitutional Rights will provide such deliberation to the questions posed.

Realizing that these constitutional questions are important and deserve careful appraisal, I have sent a legal memorandum and draft bill to more than a dozen distinguished scholars in the field of constitutional law, soliciting their opinions on the constitutionality of the legislation. Without exception, those who have responded—including Prof. Philip Kurland of the Chicago Law School, Profs. Paul Freund and Archibald Cox of Harvard, Profs. Alexander Bickel and Louis Pollak of Yale, Prof. Herbert Wechsler of Columbia and Prof. William Van Alstyne of Duke—have agreed that the proposed legislation is within the power granted to Congress by section 5 of the 14th amendment. Many of them have gone on to endorse this approach as a matter of wise Federal policy, although they note that they do not readily accept the assertion of congressional power to intervene in affairs traditionally left to the States or the courts. Indeed, three scholars who endorse the constitutionality of the bill—Professors Kurland, Bickel, and Pollak—had questioned our power to lower the voting age in State elections and have distinguished that situation from my proposal. I ask unanimous consent that both the letter, and the mem-

orandum be inserted in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. But in the meanwhile, Mr. President, I believe it imperative that we prevent any executions from taking place. The reason is obvious. If Congress should eventually determine that the death penalty does violate the constitutional rights of those subjected to it and that it must be abolished by Federal legislation, the constitutional rights of those executed in the meantime cannot be remedied retrospectively. In the language of the courts of equity, "irreparable injury" in the most telling sense will have been done those dead men.

Several further questions about this bill may trouble some of my colleagues. First, as a practical matter, is this legislation really necessary to prevent immediate executions in this country? Will not courts and the State officials be able to prevent executions while serious questions of the constitutionality of the death penalty remain?

In some cases, they surely will. I note, for instance, that Governor Gilligan of Ohio has announced that he will stay all executions in his State until the Supreme Court decides the question of cruel and unusual punishment. The point is that we cannot count on this sort of response everywhere. Prof. Anthony Amsterdam of Stanford Law School, perhaps the lawyer most experienced in dealing with capital cases, has written to me that he believes a congressional stay is the only sure protection against executions before every legal question has been explored. He summarizes vividly why enactment of this bill is "literally vital":

> What I have said in the preceding paragraphs is based on considerable familiarity with postconviction litigation in capital cases. Since 1965, I have spent about one-third of every day working on death cases. I have obtained stays of execution for scores of condemned men, and consulted with other attorneys in obtaining scores of additional stays. *In case after case we have gone down to the final hours—an experience of mind-shattering cruelty to the condemned prisoner—and emerged with a stay only through incredible good fortune. One slip in any of a dozen circumstances beyond our control in any of these cases would have killed the man.* (Emphasis added.)

Before relegating this bill to the status of an interesting academic exercise with little real import, I urge my colleagues to read this letter from Professor Amsterdam carefully.

Second, some of my colleagues may wonder whether Congress should leave these basic constitutional questions to the courts. In a word, my answer is "no." We have taken an oath to uphold the Constitution. Congress cannot abdicate to the courts or to the States its own responsibility for assuring the safeguards of the 14th amendment.

Nor, as Professor Freund points out, would this bill improperly breach the principle of separation of powers:

> Since the proposed measure would be general in application, not singling out particular death sentences, there should be no objection on the score of separation of powers between the legislative and judicial branches. Amerlioration of penalties can of course be made retroactive without infringing on the judicial function.

Finally, a nationwide temporary stay of executions would eliminate the need for already congested courts to review a flood of applications for individual stays of execution.

Mr. President, in conclusion, let me emphasize once more that support for my bill does not require a Senator to be prepared to accept now the proposition that capital punishment violates the eighth amendment or is so discriminatory in its actual implementation as to require prohibition to insure equal protection of the law. The question is whether we can and should enact a moratorium on executions to enable Congress to bring its factfinding process to bear on these issues where at least a serious question has been established. I hope Congress will agree with Professor Mishkin's conclusion that—

> The very processes of our constitutional system call for assuring adequate opportunity for wise deliberation by Congress (as well as the States). . . . The process is likely to produce a wiser resolution if it is not under the pressure of a need to act quickly.

Congress has too often passed the buck to the courts when individual constitutional rights were at stake. Now at stake is the decision whether we can still constitutionally accept official killing as a form of criminal punishment. Congress, the elected representatives of the people, should make that choice.

One final note, Mr. President, I realize there are some who will have difficulty supporting such a bill at this moment. All of us have been outraged by the recent brutal murders of several courageous policemen. And the rampages of a homicidal maniac revealed in California have filled us with revulsion. Indeed, since the first public announcement that Congressman CELLER and I would introduce this measure, I have received anguished letters from citizens in my own State and elsewhere who have lost loved ones in brutal killings. They ask how I could possibly seek leniency for anyone committing such crimes. Others in this Chamber, I am sure, will ask the same question.

My reply calls attention, again, to the points I have already made. Were it possible to bring back lost loved ones by killing other humans, I would feel differently. Were there any evidence that further killing deters such crimes in the future, I would feel differently. Were there not the danger of error, if not in these most recent cases, then in others—as long as human fallibility continues—I would feel differently.

Above all, if the American people were clearly willing to implement a uniform and evenhanded penal policy of executing murderers—even for vengeful motives I cannot share—I might feel differently. But America has not done that; I am convinced that in our cooler moments of reflection we are unwilling to see such a uniform policy of wholesale executions actually implemented, and so, we satisfy understandable feelings of outrage and anxiety by infrequent and haphazard imposition of the death penalty, with discriminatory results.

Thus, no matter how much I join in condemning these brutal acts and seeking punishment for their perpetrators, I must also urge Congress to accept its constitutional obligation to protect the rights guaranteed by the 14th amendment and to insure that Congress may effectively do so in this instance.

Mr. President, this Nation is supposed to stand for the proposition that the life of every human being is to be cherished, no matter what his background or his wealth or his color. To take a life without significant justification, to perhaps execute innocent men—humans are fallible—and to force people to play God with the lives of their fellow men, is to cheapen the value of all human life. If the violent events of this past decade teach anything, it is that we can afford such debasement no longer.

EXHIBIT 1

STANFORD LAW SCHOOL,
*Stanford, Calif., May 3, 1971.*

Re Proposed Death Penalty Suspension Act of 1971.

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I appreciate your letter of April 21 and the opportunity to comment upon the draft Death Penalty Suspension bill. Before coming to the merits, however, I should make clear that I am not a disinterested observer on the subject of capital punishment. I presently represent a considerable number of condemned men, and have argued the unconstitutionality of the death penalty in several cases in the Supreme Court. You will doubtless want to take these circumstances into account in determining what weight to give my opinions on the questions you ask.

I think that there can be no serious doubt about the constitutionality of the proposed moratorium legislation. No constitutional proposition is plainer than that the Equal Protection Clause of the Fourteenth Amendment forbids racial discrimination in criminal sentencing. The First Civil Rights Act of April 9, 1866, Ch. 31, § 1, 14 Stat. 27 (now 42 U.S.C. § 1981) expressly provided that American citizens "of every race and color, . . . shall be subject to like punishment, pains and penalties [as white citizens], and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding." The Fourteenth Amendment was designed to constitutionalize the 1866 Civil Rights Act; and Congress has acted time and again during the past 100 years—from the Civil Rights Act of 1870 to the Voting Rights Amendments of 1970—to enforce under § 5 of the Fourteenth Amendment the right against state-sanctioned racial discrimination that lies at the heart of that Amendment. Congressional power to enforce the plain constitutional command of racial equality in the conduct of every organ of State government has never been judicially questioned, and is unquestionable.

As the Washington Research Project memorandum points out, there is substantial published evidence of racial discrimination in capital sentencing. In addition to the published evidence, I have access to the results of exhaustive empirical studies conducted

in 1965 under the direction of Dr. Marvin Wolfgang and myself, which demonstrate beyond peradventure that the death sentence has been systematically applied in a racially discriminatory fashion for the crime of rape in the several States we studied. But the question, of course, is not whether Congress is now prepared to accept the conclusions of our studies, or of any other extant studies. It is whether Congress can and should enact a moratorium of executions to enable Congress to bring its own superior fact-finding processes to bear on the question of discrimination.

Surely, the answer to that question is yes. Strong indicators of discrimination have been found by numerous private observers whose studies could provide the starting point for more comprehensive and authoritative factual investigation by Congress; such discrimination, if it exists, would be a flagrant and invidious violation of the Fourteenth Amendment, which Congress plainly can prohibit; and a moratorium to enable Congress to conduct the necessary factual inquiries and to deliberate upon the constitutional and policy questions involved is—as the British experience of the 1960's demonstrates—a wholly appropriate method of legislative approach to such a problem.

Congressional power to enact a moratorium in order to conduct a similar examination of the Eighth Amendment issues raised by the death penalty in contemporary American society also seems to me solidly grounded in § 5 of the Fourteeth Amendment. Admittedly, the Eighth Amendment power assumes some Congressional competence to define—not merely to implement—the rights given by the Eighth and Fourteeth Amendments, and so presents a harder constitutional question than the exertion of Congressional Power under the Equal Protection Clause. But, while harder, it is still not very hard.

Indeed, I do not think that Congress needs to rely upon the full sweep of § 5 power conceded to it by *Katzenbach* v. *Morgan* and the opinions in the *Voting Rights Cases* to act in the Eighth-Fourteenth Amendment area. This is so because the Supreme Court itself, in its very definition of the Eighth Amendment as a precept which "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society," *Trop* v. *Dulles*, 356 U.S. 86, 100–101 (1958) (plurality opinion), has referred Eighth Amendment interpretation to the touchstone of national moral consciousness that Congress is uniquely qualified to express. For this reason, I would say that Congress not merely can, but is morally obliged to, consider the Eighth Amendment implications of the death penalty in this year 1971, when it has become apparent on a worldwide scale that the progressive abolition of capital punishment is a major indicator, a paramount achievement, and perhaps an indispensable condition, of mankind's advance on the long road up from barbarism to civilization. A moratorium to consider that issue is both constitutionally proper and, I think, advisable.

As you know, the Supreme Court has today decided, in the *McGautha* and *Crampton* cases, that procedures for imposing the death penalty employed by most American States which retain capital punishment are not unconstitutional. That decision does not speak to the ultimate constitutionality of capital punishment itself under the Eighth Amendment and the Due Process and Equal Protection Clauses of the Fourteenth. But it does create a situation in which the need for enactment of the proposed Death Penalty Suspension Act is literally vital.

By my count, there are about 620 men on the death rows of the United States at this time. Most of their executions have been delayed pending disposition of *McGautha* and *Crampton*. The decision of those cases adversely to the constitutional claims of the condemned men clears the way—unless Congress acts—for a spate of electrocutions and gassings that is unprecedented in our time. At the very moment in history when dictatorships in Spain and Russia, under the pressure of world opinion, are commuting sentences of death, the United States of America—which has not had an execution in almost four years—is about to resume the killing of human beings by the hundreds. That seems to me to be a stark abdication of our proud national role as leaders in the advance of the spirit of humanity.

I hope that you will introduce the Death Penalty Suspension bill and that Congress will speedily enact it. If I can give you any further, more specific information or assistance, please let me know.

Sincerely,

ANTHONY G. AMSTERDAM.

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STANFORD LAW SCHOOL,
*Stanford, Calif., May 11, 1971.*

Re Proposed Death Penalty Suspension Act of 1971.

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I appreciate this opportunity to clarify the view stated in my letter of May 3, that Congressional enactment of the proposed Death Penalty Suspension Act is urgently needed to avert the threat of imminent executions. You raise the question whether federal legislative action is in fact necessary, or whether—if, as the legislation supposes, there exist grave unresolved constitutional questions in all of these death cases—courts and state executive officials will not stay the executions. My answer is that, under any system which leaves the matter of stays to individual applications on behalf of individual condemned men, many of these men will die by reason of flukes and vagaries having nothing to do with the merits of their constitutional claims. This is so for several reasons:

(1) Large numbers of men on death row are indigent, functionally illiterate and unrepresented by counsel. In order to obtain a stay of execution, an unrepresented condemned man has to present a stay application to some court or legally empowered authority (such as the Governor in some States, the Pardon Board in others), which is sufficiently articulate to attract the attention of that court or authority. Most men on death row are incapable of doing this. Even were they highly literate—as they are not—they simply cannot know of the complex legal doctrines (such as doctrines limiting the jurisdiction of particular state courts, the exhaustion-of-state remedies doctrine in federal *habeas corpus*, the requirement in some States of a Pardon Board recommendation before the Governor may act) which may disempower the court or authority to which they apply from granting a needed stay. If a lower court should refuse a stay—as frequently happens, in my experience—the condemned man must then apply to a higher court. Usually in a different city and sometimes in a different State. Mail from and to prisons is always delayed and is sometimes lost. Court clerks not infrequently return prisoners' papers for formal insufficiencies (such as failure to use required forms, or to attach pauper's affidavits), or delay submitting the matter to the judge. Uncounseled prisoners may neglect to state the dates of their scheduled executions in their stay applications, so that the clerks do not appreciate the need for haste. The judge himself may be otherwise occupied or out of town when the application arrives. Although there are only a few days or hours remaining, the condemned prisoner has no one to contact the court for him, to learn whether the stay application has been received, whether it is being considered, whether it will be acted upon in time. Under these circumstances, any fluke—a miscarriage of the mails, a clerk's mishandling of a paper, a judge's attendance at a judicial convention—can snuff out a human life.

(2) Some condemned men, indeed, do not even try to put stay applications before courts or other lawful authorities. These include men who are legally unrepresented but do not know it. Attorneys handling capital cases in the post-appeal stages (usually counsel who were court-appointed for the original trial or appeal and have remained in the case as uncompensated volunteers) may suddenly drop the case for many reasons—lassitude, erroneous belief that all remedies are exhausted, professional relocation, illness, death—without notice to the condemned man. In these cases, the death row inmate continues to rely for his life upon a lawyer who is no longer there.

(3) Even where condemned men are represented by counsel, the situation is often almost as perilous. As I have said, most of the lawyers in these cases are uncompensated volunteers. Where they are criminal lawyers, they are often sole practitioners; they may be tied up for days or weeks in another trial, and be forced to let stay applications for a condemned client wait until the last moment, when some quirk can prove fatal even in a lawyer-handled case. (I shall say more about this in the next paragraph.) Oftentimes, counsel are not criminal lawyers, and lack the experience or knowledge necessary to present their client's claims. In recent months, I have encountered lawyers representing death-row inmates who were unaware of the 1968 Supreme Court decision in *Witherspoon* v. *Illinois* which established that their clients' death sentences were federally assailable. I want to make it clear that I am not faulting these attorneys, many of whom have served their clients selflessly and with dedication for years. But they are occupied with other responsibilities, unequipped with the resources necessary to handle a case in which life is at stake, and quite unable to keep abreast of legal developments in areas of law in which they do not generally practice.

(4) That problem is exacerbated by two others, relating to the courts:

(a) Frequently, constitutional issues in capital cases are foreclosed by decisions of the lower courts, and open only at the Supreme Court level. (This is true, in most States, of the Eighth Amendment issue and the issue of racial discrimination in capital sentencing.) Lower court judges, for the most part, will not grant stays of execution on these issues; and stays must be sought in appellate courts or even in the Supreme Court of the United States. In *Maxwell* v. *Bishop*, 398 U.S. 262 (1970), for example, stays were refused by all lower courts and a stay was finally granted by a Supreme Court Justice only twenty-four hours before Maxwell's scheduled electrocution. You will understand that overburdened volunteer attorneys, working under the enormous time pressures of an imminent execution date, uncompensated for their time or even for their out-of-pocket expenses, hundreds or thousands of miles from Washington, D.C., and often totally unfamiliar with Supreme Court practice, simply cannot effectively pursue judicial remedies at this level.

(b) State courts, federal courts and state executive officials ordinarily have concurrent jurisdiction to stay an execution. Iron-

ically, this seeming multiplicity of remedies itself creates a deadly trap into which the unrepresented condemned man, or inexperienced counsel representing a condemned man, may fall. When an execution date is fast approaching, it is necessary to apply to two or three courts and the Governor simultaneously for a stay. I have seen it happen time and again that each court and the Governor then waits for the other to act first. Time and again, I have seen cases go down to the last day without a stay, despite the pendency in several courts of meritorious stay applications. In this situation, again, only experienced counsel with a healthy measure of luck can prevent an execution from occurring.

What I have said in the preceding paragraphs is based upon considerable familiarity with post-conviction litigation in capital cases. Since 1965, I have spent about one-third of every day working on death cases. I have obtained stays of execution for scores of condemned men, and consulted with other attorneys in obtaining scores of additional stays. In case after case we have gone down to the final hours—an experience of mind-shattering cruelty to the condemned prisoner—and emerged with a stay only through incredible good fortune. One slip in any of a dozen circumstances beyond our control in any of these cases would have killed the man.

Unquestionably, the only reason why there have been no executions in the United States since 1967 has been the pendency in the Supreme Court of the United States of the two constitutional challenges to the death penalty which that Court finally rejected on May 3, 1971. The Court granted certiorari on these issues in December 1968 (*Maxwell* v. *Bishop*, 393 U.S. 997), and has had them continually under consideration since (see *Maxwell* v. *Bishop*, 395 U.S. 918 (1969); *Maxwell* v. *Bishop*, 398 U.S. 262, 267 n. 4 (1970); *McGautha* v. *California*, 398 U.S. 936 (1970); *Crampton* v. *Ohio*, 398 U.S. 936 (1970)). Prior to the Supreme Court's agreement to hear these issues, it was exceedingly difficult to procure stays of execution for all condemned men in the lower courts, even though (1) the numbers of men on death row then were far smaller than the comparable number today, and (2) the two constitutional issues then in litigation had been definitively rejected by only two of the eleven federal Circuit Courts of Appeals, and by a handful of state courts, prior to the Supreme Court's grant of *certiorari* upon them. After *certiorari* was granted, of course, stays were far easier to obtain: we could often secure them routinely at the trial level; and, in many States, execution dates were not set at all, pending the Supreme Court's decision. Today, by contrast, (1) the number of men on death row is almost 650 (as compared with 435 in December, 1967, and 479 in December, 1968), and (2) the remaining constitutional issues—that is, principally, the Eighth Amendment and racial discrimination issues—which the Supreme Court has *not* agreed to review, were rejected many years ago by a large majority of the federal Courts of Appeals and the States' highest courts. There is absolutely no doubt in my mind that, unless Congress enacts the proposed Death Penalty Suspension Act, there is going to be a resumption of executions in this country on a scale unknown for decades.

Sincerely,

ANTHONY G. AMSTERDAM.

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CENTER FOR ADVANCED STUDY
IN THE BEHAVORIAL SCIENCES,
*Stanford, Calif., May 6, 1971.*

Hon. PHILIP A. HART,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR HART: I am temporarily in California, and your letter of April 19 addressed to the Yale Law School reached me here. I regret the consequent delay in answering.

I have examined the proposed Death Penalty Suspension Act, and the memorandum entitled, "The Constitutionality of Federal Legislation Suspending the Use of the Death Penalty in State Courts." In my opinion, Congress is empowered under Section 5 of the Fourteenth Amendment and the Necessary and Proper Clause of Article I of the Constitution to enact legislation imposing a moratorium on executions for a time certain. I say this even though I do not accept, and I do not believe the Court would again accept in its full implications, the doctrine of *Katzenbach v. Morgan*. But in this instance Congress would not, as in that case, without factual foundation, be purporting to issue an authoritative construction of the Constitution differing from a construction arrived at by the Supreme Court. Rather Congress would be proposing to exercise a fact-establishing function which undoubtedly belongs to it, and simply creating the conditions to make effective exercise of this function possible. The relevant precedent seems to me to be *South Carolina v. Katzenbach*.

I would suggest that another, and entirely consistent, action that Congress ought to take as soon as possible is to propose to the states an amendment abolishing capital punishment. The issue is an entirely novel one, but I would be prepared to argue that if Congress had proposed such an amendment to the states, its authority to order a moratorium on executions in the meantime would, under the Necessary and Proper Clause, be additionally enhanced.

Faithfully yours,

ALEXANDER M. BICKEL.

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LAW SCHOOL OF HARVARD UNIVERSITY,
*Cambridge, Mass., May 4, 1971.*

Sen. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I have read with interest the draft of Daeath Penalty Suspension Act enclosed in your letter of April 19, and also the attached memorandum.

In my opinion, the bill is within the constiutional powers of the Congress.

The necessary and proper clause would seem to give Congress power to preserve the status quo in an area in which it may legislate provided that there is reasonable grounid to believe that facts may be developed establishing the power of Congress to enact substantive legislation on the subject.

Probably, such a stay could also be enacted under the necessary and proper clause upon the ground that the status quo should be preserved throughout the country until the Supreme Court has had time to render a decision upon the basic question whether capital punishment under any circumstances violates the Eighth and Fourteenth Amendments. This constitutional theory seems entirely sound, but resting your bill upon this ground alone might be thought to carry the implication that Congress would be through with the matter once the Supreme Court had rendered a decision.

It seems to me that there is reasonable ground to believe that Congress, upon thorough investigation, would find actual conditions to be such as to lay a foundation for federal legislation under Section 5 of the Fourteenth Amendment. I have some misgivings, after *Oregon* v. *Mitchell*, about the continued validity of the argument that Congress may make a determination as to whether a punishment is "cruel and unusual," within the meaning of the Eighth Amendment.

It seems unnecessary to reach a conclusion on that point, however, because the statistics in the memorandum you enclose, while subject to some criticism, are quite sufficient to raise a serious question as to whether capital punishment in the United States does not presently involve racial discrimination violating the equal protection clause of the Fourteenth Amendment. To my mind, the figures certainly suggest that further investigation might lead Congress to such a finding of fact and, if Congress made such a finding, there could be no doubt of the constitutionality of further federal legislation abolishing the death penalty as a way of preventing continued racial discrimination in the administration of criminal justice.

It is a pleasure to hear from you.

With best wishes.

Sincerely,

ARCHIBALD COX.

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NEW YORK UNIVERSITY,
SCHOOL OF LAW,
*New York, N.Y., April 27, 1971.*

*Senator* PHILIP HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I am responding to your letter of April 19, which invited my comments on a draft bill which would stay all executions by the United States, the several states and their subdivisions for a period of two years. The stated purpose of this bill would be to enable the federal government and the states to consider, deliberately, what action they might wish to take following the imminently expected Supreme Court decision on an aspect of the death penalty.

In my view the draft bill is both wise and constitutional, and I therefore hope you decide to introduce it and that the Congress enacts it into law.

The wisdom of the bill seems to me evident in view of the importance of the issue concerning the death penalty, the confusion surrounding many aspects of it, its doubtful constitutionality, and the desirability of a careful legislative review unhurried by the pressures to execute that inevitably will follow any Supreme Court decision that does not restrain further use of the penalty.

The question of the constitutionality of the measure calls for somewhat more extended discussion, although I am in no real doubt that prior decisions of the Supreme Court, in their holdings and premises, amply support the validity of the bill. I shall content myself with three points.

1. Section 5 of the Fourteenth Amendment, which authorizes Congress to "enforce by appropriate legislation" the provisions of the Amendment, has been interpreted broadly by the Supreme Court. The Court has held that Congress may enact remedial legislation concerning state laws and practices if it "perceives a basis" for concluding that these laws and practices are unconstitutional. *Katzenbach* v. *Morgan*, 384 U.S. 641, 653 (1966). This it certainly would be free to do, in the case of the death penalty, in light of judicial decisions that have interpreted the Eighth Amendment "cruel and unusual punishment" provision, as incorporated in the Fourteenth Amendment. See, e.g., *Ralph* v. *Warden*, Ct. App. 4th Cir., No. 13757 (December 11, 1970); cf. *Rudolph* v. *Alabama*, 375 U.S. 889 (1965) (Goldberg, J., dissenting).

That the Supreme Court has not held the death penalty to violate the cruel and unusual punishment prohibition is of course not dispositive of the issue. As the *Morgan* case and *South Carolina* v. *Katzenbach*, 384 U.S. 301 (1966) reveal, the Congress may go beyond judicial rulings in asserting the reach of the Fourteenth Amendment. Indeed, the congressional action upheld by the Court in the *South Carolina* case went beyond what the Congress would be asked to do here. In that litigation the literacy provisions of the Voting Rights Act of 1965 were sustained in the face of an earlier decision, *Lassiter* v. *Northampton Election Bd.*, 360 U.S. 45 (1959), holding that such tests were not in-

herently discriminatory. No such decision of the Supreme Court has sustained capital punishment against a direct attack on the ground of cruel and unusual punishment.

2. There presently exists considerable evidence, which I shall not detail in this letter, to the effect that the death penalty has been applied in a discriminatory manner against poor persons and nonwhites. E.g., Bedau, Death Sentences in New Jersey—1907–1960, 19 Rutgers L. Rev. 1 (1964). Certainly Congress could "perceive a basis" for concluding that the equal protection clause of the Fourteenth Amendment has been violated by the application of the death penalty. Accordingly, Congress has the authority—some would say the duty—to assure that the most extreme of all penalties is not being employed in violation of the Constitution.

3. The net effect of the above analysis is that under existing precedents the Congress could act to abolish the death penalty by concluding that state executions amount to cruel and unusual punishment or that the death penalty as implemented denies nonwhites or poor persons of the equal protection of the laws. The remaining question is whether the Congress can choose to legislate the lesser remedy—a two year stay which would for this period bar executions while the necessary study was undertaken to determine whether the death penalty should be prohibited in all cases or contain classes of cases.

I find no difficulty in responding to this question in the affirmative. One of the chief advantages of the legislative process is its flexibility. Another is its capacity for fact-gathering to assure, as far as possible, the solid grounding of enactments as well as their long-term acceptability to the public. All of these values would be furthered by a congressional decision to permit itself the time to acquire and digest data, and reflectively debate, the validity of capital punishment. Indeed, I can hardly think of a better means to assure "appropriate legislation" under the Fourteenth Amendment in an area as complex and subtle as the one under consideration. Just as courts of equity for many centuries have used the judicial stay to good effect, so too should the Congress employ it so it may act in a deliberate and fully informed manner.

For the above reasons I endorse the draft bill you have sent me.

Sincerely,

NORMAN DORSEN,
*Professor of Law.*

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LAW SCHOOL OF HARVARD UNIVERSITY,
*Cambridge, Mass., April 29, 1971.*

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I appreciate your letter inviting my view on a possible bill that would impose a two-year stay of executions in capital cases while Congress and the states decide what action, if any, they wish to take in this area following a decision by the Supreme Court.

I find persuasive the considerations supporting the authority of Congress to enact such a measure. The bill would essentially be an adjunct of the power of Congress to legislate under Section 5 of the Fourteenth Amendment. That power is most clearly established in the field of equal protection of laws with respect to race, and there is at least reason to believe that the death penalty has lent itself to discriminatory application. In addition the power under Section 5 draws support from the guarantee against cruel and unusual punishment, a guarantee that may appropriately be defined by Congress, at least where Congress does not narrow the protection beyond the scope given it by the courts.

A moratorium is a legislative measure that in this context would reflect a tentative finding by Congress, subject to fuller investigation and final determination. It is particularly appropriate where the ultimate penalty is involved and where reparation would be impossible if and when Congress finally determines to abrogate the death penalty. Since the proposed measure would be general in application, not singling out particular death sentences, there should be no objection on the score of separation of powers between the legislative and judicial branches. Amelioration of penalties can of course be made retroactive without infringing on the judicial function.

I trust that these views are responsive to your inquiry.

With kindest regards,

Sincerely,

PAUL A. FREUND.

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UNIVERSITY OF CALIFORNIA, BERKELEY,
*Berkeley, Calif., May 4, 1971.*

Sen. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: This responds to your letter of April 19.

I have read the draft bill and its supporting study proposing a two-year stay of executions in all jurisdictions pending Congressional study of the course it might wish to pursue under the implementing clause of the Fourteenth Amendment.

The procedure seems to be novel, but I do not see any substantial grounds for concluding it is unconstitutional. First, the cruel and unusual punishment and equal protection arguments appear to me open and non-trivial. The Court's decisions yesterday, as reported in the press, do not purport to close the cruel and unusual punishment issue. Second, this being so, Congress would have the power under Section 5 of the Fourteenth Amendment, pending a Supreme Court determination, to consider for itself whether the arguments carry weight and what legislation to enact to enforce those constitutional provisions. Moreover, in the circumstances the power to consider these questions must also encompass the power to maintain the status quo by preventing executions in the interim. If executions turn out to be violations of constitutional rights, they are not the kind that can be remedied retrospectively. The analogy to the traditional power of equity courts to enjoin prejudicial change in the circumstances pending the court's adjudication of the merits seems to me persuasive. Congress would be maintaining the total effectiveness of its law making authority, explicitly delegated by the necessary and proper clause as made applicable to the Fourteenth Amendment through its Section 5.

May I suggest two additional grounds you and your advisors might want to consider to shore up even further the case for a two-year stay:

1. The desire by Congress to consider not only whether capital punishment is unconstitutional, but whether it should be made so under a constitutional amendment. This would draw upon Congress' authority with respect to amendments found in Article VI. It would also serve to provide a basis, in addition to the line of thought exemplified in *Katzenbach* v. *Morgan*, for justifying the stay if and when the Court denies the cruel and unusual punishment claim.

2. The appropriate interest of Congress to act in support of the jurisdiction of the Supreme Court and other federal courts by saving the need to obtain individual case by case stays pending the resolution of the issue in these courts.

I hope these observations may be of some use to you.

Respectfully,

SANFORD H. KADISH,
*Professor of Law.*

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THE UNIVERSITY OF MICHIGAN,
LAW SCHOOL,
*Ann Arbor, Mich., May 4, 1971.*

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: Many thanks for your letter of April 19, inviting comments on the proposal that Congress impose a two-year "stay" of all executions within the United States pending further study of the death penalty.

There is substantial evidence from which Congress may conclude that the death sentence works unfairly against black Americans in practice and thus that a nationwide ban—let alone a suspension—of the death penalty is "appropriate legislation" to enforce the equal protection clause of the Fourteenth Amendment.

To paraphrase Justice Black in *Oregon v. Mitchell*, 400 U.S. 112, 134 (1970), (upholding the literacy test ban of the Voting Rights Act Amendments of 1970), Congress may properly recognize that the administration of the death penalty in a racially discriminatory manner is not confined to the South, but exists in various parts of the country, and may properly conclude that the way to cope with this problem is "to deal with nationwide discrimination with nationwide legislation." Similarly, to paraphrase Justice Stewart, (joined by Burger, C.J., and Blackmun, J.), concurring in the judgment of the Court sustaining the aforementioned literacy test ban, 400 U.S. at 284: because the justification for suspending the death penalty throughout the land need not turn on whether it is discriminatorily enforced in every state, Congress is not required to make state-by-state findings concerning the actual impact of the penalty. "In the interests of uniformity, Congress may paint with a much broader brush than may [the Supreme] Court, which must confine itself to the judicial function of deciding individual cases and controversies upon individual records."

Although the Washington Research Project's memorandum makes a powerful and persuasive argument that federal legislation abolishing or temporarily suspending the use of the death penalty by the states may also be sustained on another ground—Congress could properly conclude that the death penalty amounts to cruel and unusual punishment and (since the Fourteenth Amendment applies to the states the Eighth Amendment prohibition) thus prohibit its use by the states pursuant to the power granted it by Section Five of the Fourteenth Amendment—this strikes me as a closer question. Congress would seem to have the power (and special competence) to make its own findings of fact and evaluation of the competing considerations involved [1] in determining whether the death penalty constitutes "cruel and unusual punishment" or a violation of "due process". Or to put it another way, this issue would seem to fall within "a sort of 'buffer zone' in which Congress has discretion to define" these standards.[2]

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[1] *E.g.*, the injustice wrought by the erratic and discriminatory imposition of the death penalty versus the deterrent value above life imprisonment, if any, of the theoretical availability and rare enforcement of the death penalty.

[2] Cf. Cox, *Foreword: Constitutional Adjudication and the Promotion of Human Rights*, 80 Harv. L. Rev. 92, 121 (1966).

However, although they agree that Congress has the power "to provide the means of eradicating situations that amount to a violation of the Equal Protection Clause" at least some members of the United States Supreme Court balk at recognizing Congress' power "to determine as a matter of substantive constitutional law what situations fall within the ambit of the clause [and other constitutional prohibitions and requirements] and what state interests are 'compelling,'"[3] and might well regard a determination by Congress that the death penalty amounts to "cruel and unusual punishment" as falling within the latter category.

It seems so clear, however, that Congress may override state death penalty laws "on the ground that they were in fact used as instruments of invidious discrimination even though a court in an individual lawsuit might not have reached that factual conclusion" (see the aforementioned opinion of Stewart, J., 400 U.S. at 295-96), so clear that a two-year Congressional "stay" of all executions would be regarded "an appropriate means of remedying discriminatory treatment" in the administration of capital punishment (id at 295), that other bases for supporting the proposed federal legislation need not be pursued.

Sincerely yours,

YALE KAMISAR,
*Professor of Law.*

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THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
*Chicago, Ill., May 7, 1971.*

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I write in response to your inquiry about the constitutionality of your proposed bill calling for a moratorium on the execution of the death penalty for a period in which the Congress can decide whether abolition is desirable and appropriate.

I do not propose to write a brief here. The memorandum accompanying your request and a letter to you from Professor Robert A. Burt, which he was kind enough to show me, are more than adequate analyses of the case law on the subject. My conclusions are simply stated.

1. Congress does have authority under the fifth section of the Fourteenth Amendment to enact legislation enforcing the substantive clauses of that Amendment as it construes them.

2. There is ample evidence to suggest that the death penalty has been and continues to be applied discriminatorily, *i.e.*, in such a manner as to suggest a denial of equal protection of the laws to those upon whom it is imposed. Whether that discrimination is willful or arbitrary remains to be determined, but in either event Congressional action would be justified. I am not troubled by the Voting Rights Cases, for an age question for voting is necessarily arbitrary whether the choice be 18 years or 21 years.

3. It is clear to me that the willful killing of any human being, whether by the state or nation, could be deemed and, I think, should be deemed a cruel and unusual punishment, thus bringing the problem within the scope of Congressional authority under the terms of the Fourteenth Amendment by way of the Eighth Amendment.

My conclusion, therefore, is that the proposed bill is not only constitutional, but highly desirable. Mr. Justice Holmes used to say that the solution for most societal problems was for the nation to become more civilized. In this day and age, I believe that the willful killing of a human being, whatever the nature of his crime, is a step away from civility and can be justified only in terms of primitive laws that should no longer hold us in thrall.

With all good wishes,

Sincerely yours,

PHILIP B. KURLAND.

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NEW YORK UNIVERSITY,
SCHOOL OF LAW,
*New York, N.Y., May 14, 1971.*

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I am most pleased to learn that you are thinking of introducing a bill similar to that prepared by the Washington Research Project proposing a two-year "stay" of all executions. I write now to say that, after examining the excellent memorandum prepared by the Project, I am persuaded of the constitutionality of the proposal.

The matter has a special urgency now in light of the recent Supreme Court decisions upholding procedures now used in capital cases in some states. I do hope you will introduce the bill and that it will pass so that time for further study will be secured on how to solve this vital issue.

Sincerely,

ROBERT B. MCKAY.

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UNIVERSITY OF PENNSYLVANIA,
THE LAW SCHOOL,
*Philadelphia, Pa., May 12, 1971.*

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: This is in response to your letter of April 19, asking my views on the idea of a Federal statute imposing a two-year "stay" of all executions while Congress and the States decide what action, if any, they wish to take in the area of capital punishment, following the Supreme Court's disposition of the "Death Penalty" cases before it.

I have given substantial thought to the question, and in my judgment, Congress has power under the Constitution to enact such a statute. I do not assert that it is clear beyond question that a Congressional Act declaring the death penalty unconstitutional and completely prohibiting its infliction by the States (as well as the Federal Government) would necessarily be upheld as an appropriate exercise of Congress' power to enforce the Fourteenth Amendment. At the same time, there is certainly a reasonable possibility that such an Act would be sustained as valid on the basis of that power confererred by section 5 of that Amendment. Moreover, it is also true that the form and substance of the particular Act—for example, the content of the findings which Congress might make—might well exert substantial influence on the ultimate judgment about the validity of the Congressional exercise of power.

This last point is particularly significant for present purposes. For it indicates the importance of Congress being able to consider carefully, on thorough investigation and full deliberation, whether it wishes to proceed—and if so, how—in this difficult and important area. From this aspect, the very processes of our Constitutional system call for assuring an adequate opportunity for wise deliberation by Congress (as well as the States). Certainly a "stay" of all executions for a specific stated period to allow such deliberation to take place is within Congress' power under the Constitution.

Such a "Stay" also seems to me a wise provision at this point. So long as the "Death Penalty" cases were actively moving toward a Supreme Court decision, Congress and State Legislatures, pressed by much other and urgent business (and perhaps even inhibited somewhat by possible questions of propriety), were not likely to reach out to address the issues of capital punishment. In view of the Court's disposition, the responsibility of the legislative bodies is now greatly sharpened. But, as with any complex institution, it will take some time for that to come into sharp focus, and a bit longer for the issues to be worked through to some sort of resolution. The process is likely to produce a wiser resolution if it is not under the pressure of a need to act quickly. Moreover, and perhaps no less important, these issues are not without a strong emotional component; however, they are resolved, there is likely to be less of a residue of acrimony if adequate time for consideration is definitely known to be assured.

For these reasons, I believe that an Act of Congress imposing a two-year stay of executions by the States as well as the Federal Government is both constitutional and wise at this time.

Sincerely,

PAUL J. MISHKIN,
*Professor of Law.*

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LAW SCHOOL OF HARVARD UNIVERSITY,
*Cambridge, Mass., May 14, 1971.*

Senator PHILIP HART,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR HART: You asked for my opinion on the constitutionality of the legislation you may submit suspending the use of the death penalty in state courts. Rather than reiterate a multitude of possible arguments, I have attempted to present to you the strongest argument in support of constitutionality.

In my opinion the legislation is clearly constitutional. Under the enforcement section of the Fourteenth Amendment Congress is given the power to enforce by appropriate legislation the Amendment's substantive provisions of due process and equal protection. Under this section, and under the similar section of the Fifteenth Amendment, acts of Congress bearing close analogy to the legislation you propose has been upheld by the Supreme Court. In what follows I will describe these Acts and the Supreme court cases upholding them, setting forth the analogies they bear to your proposed legislation.

*South Carolina* v. *Katzenbach*, 383 U.S. 301, decided by the Supreme Court in 1966, involved the constitutionality of the Voting Rights Act of 1965. The Voting Rights Act was based on a congressional finding that literacy tests and like devices, fair on the face, had been used in the South as the means of discriminating against Negroes in registering to vote. The Act automatically suspended the use of such tests, including all literacy tests, in any State or County in which less than half of the adult population had voted in the Presidential Election of 1964. This, it was thought, gave reason to believe that the tests might be used for racial discrimination.

Thus, the Act was framed to provide a new prophylactic remedy for violations of the Fifteenth Amendment for which prior remedies had been inadequate. These prior remedies, of course, consisted mainly of case-by-case judicial challenges to discriminatory voter-registration practices.

South Carolina argued that Congress had no power to adopt prophylactic remedies in the absence of a judicial finding of discrimi-

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[3] Opinion of Stewart, J. (joined by Burger, C. J., and Blackmun, J.), in *Oregon* v. *Mitchell*, 400 U.S. 281, 296. See also Harlan, J. (joined by Stewart, J.), dissenting in *Katzenbach* v. *Morgan*, 384 U.S. 641, 659 (1966). But compare the opinion of the Court, per Brennan, J., in *Katzenbach* v. *Morgan*.

nation in each case. The issue turned on the enforcement section of the 15th Amendment:

"The Congress shall have power to enforce this Article by appropriate legislation."

Solicitor General Archibald Cox argued that this section gives to the Congress the same discretion in enacting measures reasonably adapted to preventing discrimination in voting as the "necessary and proper" clause confers upon Congress in regulating such matters as interstate commerce. Chief Justice Warren, quoting Chief Justice Marshall, agreed:

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

Thus, *South Carolina* v. *Katzenbach* clearly upholds congressional power (1) to determine that the application of literacy tests is often discriminatory and (2) to suspend them as a prophylactic means of ending such discrimination.

The analogy to the measure you propose is clear. Here the source of congressional power would be the enforcement section of the Fourteenth Amendment. Congress could (1) rationally determine that the death penalty, like the literacy test, though fair on its face, has too often been discriminatory in its application, and (2) suspend the death penalty as it suspended the literacy test, as a prophylactic measure to prevent discrimination in its application.

Cases subsequent to *South Carolina v. Katzenbach* have only served to strengthen its authority. *Katzenbach v. Morgan,* 384 U.S. 641 (1966) the Supreme Court upheld the section of the Voting Rights Act which provided that no person who had successfully completed the sixth grade in a Puerto Rican school should be denied the right to vote because of inability to read or write English. The effect of this measure was to enfranchise thousands of Spanish-speaking citizens who had moved to New York from Puerto Rico.

Relying on the enforcement section of the Fourteenth Amendment, the Supreme Court upheld this enactment as an appropriate means of effectuating the rights guaranteed by the equal protection clause. Enfranchisement, said the Court, "will be helpful in gaining nondiscriminatory treatment in public services for the entire Puerto Rican community."

*Morgan* strongly illustrates the breadth of congressional power under the enforcement sections. Substantive equal protection violations were not clearly defined in *Morgan,* nor was there any specific judicial or congressional finding with respect to such violations.

On the basis of these cases I come to the firm conclusion that legislation suspending the death penalty would be fully within congressional power as an appropriate means of enforcing the equal protection clause. Congress could rationally conclude that (1) the death penalty is racially discriminating in its application, and (2) that suspension of the death penalty is an appropriate means of eliminating such discrimination.

Your proposed legislation merely suspends the death penalty for a period sufficient to allow Congress to examine its application. That such legislation is constitutional follows *a fortiori* from the discussion above. Just as a court may issue temporary restraining orders to maintain the status quo while it considers the merits of a case, so Congress is authorized by the enforcement section of the Fourteenth Amendment to maintain the status quo while it decides. Indeed this seems an altogether sensible and laudible manner by which to proceed.

I conclude with assurance that the legislation you propose is constitutional.

Yours sincerely,

CHARLES R. NESSON,
*Professor of Law.*

YALE UNIVERSITY,
LAW SCHOOL,
*New Haven, Conn., May 11, 1971.*

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: By letter of April 19 you were good enough to send me a copy of the draft bill entitled "Death Penalty Suspension Act of 1971," inviting my comment on the bill:

1. I favor the bill and I hope you will submit it. The bill is, in my judgment, a thoughtful and courageous approach to a tragically difficult national problem. To provide two years' time within which Congress and state legislatures would have the opportunity (and correlative responsibility) to examine the constitutional and other issues presented by the continued use of the death sentence seems to me both "necessary and proper." With hundreds awaiting execution in prisons throughout the country, legislators can no longer responsibly avoid confronting these issues.

2. I am persuaded that Congress is constitutionally empowered to pass a law staying all executions, federal and state alike, for two years. I believe Congress is thus empowered because I think there is a substantial likelihood that extended Congressional investigation would yield data supporting at least one of the two hypotheses tendered by the bill—(a) that the death sentence is (at least as to most offenses[1]) a "cruel and unusual punishment"; (b) that the death sentence is imposed, in a grossly disproportionate number of instances, on blacks and others customarily subject to racial discrimination. Neither such finding would provide a rational basis for Congress to pass a law abolishing the death sentence.[2] Given a reasonable possibility that two years of investigation by Congress would be persuasive to Congress that it should and constitutionally could legislate to end the death sentence, Congress would appear to be fully empowered to declare a two-year moratorium on executions and thereby prevent massive and unutterably calamitous frustration of what Congress may two years hence determine to be in the nation's best interest.

With respect to the power of Congress to ban the death sentence, on the basis of findings of the sort referred to above, I would add these brief comments:

A. The power of Congress to end the use of the death sentence for any and all federal crimes would not appear to require argument, since Congress has plenary power (within constitutional limitations) to define and declare the punishment for all offenses against the United States. With this in mind, I should point out that the draft bill places entire reliance on Congressional power to enforce the Fourteenth Amendment; since this power is irrelevant to federal crimes and punishments, appropriate language relating to Congressional power over the federal criminal process should be added to the draft bill.

B. Whatever power Congress has to end the use of the death sentence in the states flows from the power of Congress, acting under Section 5 of the Fourteenth Amendment, to enforce the guarantees of due process of law and the equal protection of the laws contained in Section 1 of the Amendment. A Congressional finding that the death sentence is a cruel and unusual punishment would call into play Congressional power to promote due process of law. A Congressional finding that the death sentence falls with disproportionate impact on racial minorities would call into play Congressional power to promote the equal protection of laws.

C. Up to now there has, of course, been no determination by the Supreme Court that the death sentence is cruel and unusual (and hence in contravention of due process) or that it denies equal protection. Per contra, the Court has not, in its recent history (including the *McGautha* and *Crampton* decisions, on May 3, 1971), taken occasion to consider and reject either of these constitutional challenges to the death sentence. But even if the Court's recent occasional affirmatives of death sentence, as in *McGautha* and *Crampton,* were viewed as implied rejection of these constitutional contentions (a reading of the Court's opinions which I would not regard as faithful to the Court's limited disposition of the limited questions presented), it would still appear that Congress retains some *legislative* authority to fashion its own more protective definition of the constitutional norms of due process of law and the equal protection of the laws. This would appear to be the teaching of *Katzenbach* v. *Morgan.*

D. I do not pretend to be able to formulate with confidence the scope of the Congressional power, declared by *Katzenbach v. Morgan,* to go beyond the Court in giving content to Fourteenth Amendment guarantees.[3] For immediate purposes, however, it would seem sufficient to make three points in this connection:

(1) Deference to a *legislative* extension of constitutional guarantees would seem most appropriate where the predicate of such legislative action is the sort of detained inquiry into a vast array of institutional practices which Congress is peculiarly well fitted—and courts are peculiarly unfitted—to make. Both of the inquiries which Congress would be expected to undertake, pursuant to the draft bill, would seem to be of this nature.

(2) The propriety of Congressional inquiry into, and legislation protective of, due process rights draws support from Chief Justice Warren's invitation to Congress (and indeed the states as well) in *Miranda v. Arizona,* "to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws," presumably as supplements and/or alternatives to judicially formulated rules.

(3) With respect to the equal protection challenge to the continued use of the death sentence, it seems particularly appropriate to note that *Katzenbach v. Morgan* was a case in which Congress legislated against arrangements which it found to foster racial discrimination. That is to say, it would appear a fair inference that the legislative power sustained in *Katzenbach v. Morgan* is at its greatest when Congress is legislating with respect to discrimination against racial minorities, most especially blacks, since that evil was the chief target of the Fourteenth Amendment. It is in this setting that special weight attaches to the following observations, made by my distinguished colleague, Professor Charles L. Black, Jr., one year ago:

No one can now say how far we may go with the use by Congress, in application to racial problems, of the very same spaciousness of interpretation that is elsewhere applied to Congressional powers. I will only mention what to many of us now is a possibility of prime moral importance. It has been pretty generally assumed that capital punishment can be abolished in the United States only through action by 50 state legislatures. But suppose Congress were to conclude—as I think statistics would force it to conclude—that capital punishment had been administered for a long time in a manner discriminatory against blacks and other minority groups.[4] Suppose Congress were to judge, from this long experience, that this discriminatory administration was likely to continue or to recur. Could these judgments be faulted? If so, how? If not, then why could not Congress abolish capital punishment for the entire nation? Congress could beyond doubt make unlawful a practice whose ad-

Footnotes at end of article.

verse impact on interstate commerce was far less well attested than is the inequality, past and predictable, in capital punishment as actually administered. . . . "but ye more substantial escaped." 6 *W. Holdsworth, History of English Law* 508 (1924). (The reference is to executions following Monmouth's rebellion.)[5]

I am grateful to you for the opportunity to comment on the profoundly important issues presented by the draft bill. I hope that (subject to the modest emendation suggested in paragraph 2A of this letter) you submit the bill. And I hope it is enacted into law: the lives of hundreds of Americans, and also the integrity of the American legal process, are at stake.

Sincerely yours,

LOUIS H. POLLAK.

FOOTNOTES

[1] One could conceivably conclude, for example, that the death sentence was not inappropriate punishment for the single gravest crime—the federal crime of treason—but was barbarious in any other context.

[2] Or permitting it, as was suggested in footnote 1, only in cases of treason.

[3] I tend to take a rather narrow view of *Katzenbach v. Morgan* than many other constitutional lawyers do. For example, I thought (and said) a year ago that the doctrine of *Katzenbach v. Morgan* was insufficient to sustain federal legislation lowering the voting age to eighteen.

[4] A very old phenomenon, in one form or another: "Ye poor and miserable were hanged."

[5] Black, *The Unfinished Business of the Warren Court*, 46 WASH. LAW REV. 3, 19 (1970).

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THE UNIVERSITY OF MICHIGAN
LAW SCHOOL,
*Ann Arbor, Mich., April 23, 1971.*

Senator PHILIP HART,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I am writing in response to your letter of April 19 inviting an expression of my views on the proposal that Congress enact legislation imposing a two year moratorium on all executions within the United States. I am wholeheartedly in support of the proposal and hope that you will decide to introduce the necessary legislation.

No one can assert with confidence whether the Supreme Court would sustain such legislation, but in my judgment the legislation is constitutional. The essential reasons which support that judgment are persuasively stated in the memorandum prepared by the Washington Research Project which accompanied your letter. Implicit in my judgment that the legislation is constitutional is the conclusion that it is not unduly intrusive upon federalist values. There are at least two reasons why I believe this to be so notwithstanding the traditional power of the states to set penalties for crime. Initially, the Congress, as the most broadly representative of our governmental institutions, is uniquely competent to give content to the vaguely worded prohibition of "cruel and unusual punishment," a prohibition which, as the Supreme Court has written, embodies "the evolving standards of decency that mark the progress of a maturing society." Secondly, the Congress, as repeatedly recognized in recent years both by it and by the Supreme Court, does not intrude upon the domain of the states when it acts to protect individuals against racial discrimination by the states. The evidence marshalled by the Washington Research Project surely provides ample basis for an inquiry by the Congress to determine whether the death penalty has in fact been administered on a racially discriminatory basis.

If I may offer one suggestion concerning the draft bill which you enclosed, it occurs to me that it might be desirable to include a provision directing the appropriate committees in each House to conduct the investigations mentioned in Section 3. Such a provision would, if the legislation were challenged in court, add strength to the Congressional determination that a moratorium is appropriate.

I hope that this brief statement of my views will be of assistance to you. If there is any way I may be of further assistance, I hope that you will not hesitate to call upon me.

Sincerely yours,

TERRANCE SANDALOW,
*Professor of Law.*

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DUKE UNIVERSITY,
*Durham, N.C., April 26, 1971.*

Senator PHILIP A. HART,
*Senate Judiciary Committee,*
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HART: I am writing in brief reply to your letter and enclosures regarding the proposed bill to suspend the death penalty throughout the United States for a period of two years, pending further study and action by Congress, the courts, and the state legislatures. So far as the bill would affect federal prisoners currently under sentence of death, I believe that the national power to suspend their sentences clearly exists pursuant to the Constitution. So far as the bill would affect state prisoners, a sufficient argument can be made pursuant to section 2 of the thirteenth amendment and section 5 of the fourteenth amendment to sustain the proposed Act within the ameliorative powers of Congress that those otherwise favoring the bill should feel entirely free to vote for it.

I put my second conclusion this way for very simple reasons. A failure of Congress to act solely because there may be some reasonable doubt about the ultimate constitutionality of that act necessarily contemplates that a number of persons may be executed even though no court will have an opportunity to determine whether those executions were beyond the power of Congress to forbid. Action by Congress will insure that none need die solely because of constitutional doubts that may well turn out to be unfounded, even while respectfully reserving to the courts the appropriate authority to resolve all constitutional questions as they may arise in a proper case.

It is not often that this kind of choice is before Congress, and I am not among those who believe that Congress need never be concerned with the constitutional reach of its powers. I rather think that it should be more concerned in general and that Congress' deliberations on the Constitution are important to its own political integrity. Where the issue in question is even fairly debatable as I am positive that it is here (*i.e.*, that Congress may well possess the power to suspend or to abolish the death penalty), where the courts will be open to review that question in due course, and where any congressman's mistaken view regarding the scope of congressional power might well lead him needlessly to contribute to the deaths of several hundred persons that he would otherwise wish to have spared, however, it is unimaginable that the outcome of this bill should prefer the certainty of death to what may well be a wholly constitutional preference for life.

Sincerely,

WILLIAM VAN ALSTYNE,
*Professor of Law.*

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COLUMBIA UNIVERSITY,
SCHOOL OF LAW,
*New York, N.Y., May 13, 1971.*

Hon. PHILIP A. HART,
*U.S. Senate,*
*Washington, D. C.*

DEAR SENATOR HART: This has been my first chance to study the draft bill and memorandum on suspension of the death penalty that you were kind enough to send me with your letter of April 19.

I am writing to say that while I do not readily accept the validity or propriety of new federal interventions in affairs traditionally thought to be within the realm of State autonomy, the considerations adduced in the memorandum seem to me to provide reasonable grounds for supporting the authority of Congress.

There is a further point that has much weight with me. Mass executions of hundreds of the prisoners now under sentence of death throughout the country would be a catastrophe of national and international dimensions. The unprecedented accumulation of unexecuted sentences was due primarily to stays ordered or anticipated to be ordered by the courts of the United States, exercising jurisdiction conferred by Acts of Congress. As Congress is authorized to remedy conditions or to deal with dislocations caused by exercise of granted legislative power (see e.g. *Stewart* v. *Kahn*, 11 Wall. 493, 507; *Norman* v. *B. & O. Railroad Co.*, 294 U.S. 240 at 315; *Woods* v. *Miller Co.*, 333 U.S. 138), I should suppose that it is authorized to avert a catastrophe caused in large part by the authorized exercise of federal judicial power.

I should add that I do not feel competent to judge the political wisdom of the proposal. The introduction of the bill may have the unintended effect of distracting effort from pursuit of clemency or of State legislation; and its rejection by the Congress may well fortify the forces that would welcome the blood bath it is your object to avoid.

With high regard, I am

Yours faithfully,

HERBERT WECHSLER.

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THE CONSTITUTIONALITY OF FEDERAL LEGISLATION SUSPENDING THE USE OF THE DEATH PENALTY IN STATE COURTS

This memorandum sets forth the constitutional basis for federal legislation abolishing or temporarily suspending the use of the death penalty by the states. In Part I, we argue that Congress could properly conclude that the death penalty amounts to cruel and unusual punishment, and on that ground could prohibit its use by the states under the interpretive power granted by Section 5 of the Fourteenth Amendment. In Part II, we show a factual basis upon which Congress could determine that the death penalty is being administered in a racially discriminatory manner in violation of the equal protection clause, and argue that abolition would be a proper exercise of the remedial power granted by Section 5. Finally, in Part III we argue that Congress could, without determining that the death penalty was cruel and unusual punishment or was discriminatorily administered, suspend the use of the death penalty while it further investigated these constitutional questions.

I. THE PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT

The Supreme Court has never explicitly upheld the death penalty against a direct challenge on cruel and unusual punishment grounds, though it has several times in dictum suggested that the penalty does not constitute cruel and unusual punishment. Changing circumstances, scholarly commentary, and the trend of Eighth Amendment case law all indicate that these dicta may soon be abandoned by the Court. Even in the absence of a ruling on the question by the Supreme Court, however, established law makes clear that Congress could find that capital punishment constituted cruel and unusual punishment, and prohibit its use by the states on that ground, under the legislative power granted by Section 5 of the Fourteenth Amendment.

Under Section 5, Congress has power to "enforce by appropriate legislation" the provisions of the Fourteenth Amendment. The

Supreme Court has held that power to be very broad. It is well established that Congress may adopt the most sweeping remedies to deal with what the courts have held to be constitutional violations.[1] In addition, it may define certain laws or practices as unconstitutional that would not be held unconstitutional absent the legislation, if the courts can "perceive a basis" for the congressional judgment. *Katzenbach* v. *Morgan*, 384 U.S. 641, 653 (1966).

For example, in Section 4(e) of the Voting Rights Act of 1965,[2] acting under Section 5 of the Fourteenth Amendment, the Congress permitted Puerto Ricans to vote if they were literate in Spanish, despite state law imposing English language literacy as a voter qualification. In supporting the English language literacy requirement the State of New York argued that Congress is without power under Section 5 to broaden the substantive prohibitions of the Fourteenth Amendment. The Court rejected this view, holding that when the Congress, after weighing the competing considerations, exercises its authority to declare a state law or practice violative of Fourteenth Amendment rights, "[i]t is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did." *Katzenbach* v. *Morgan*, *supra*, 384 U.S. at 653. Thus, applying this test and without reaching the question whether the Fourteenth Amendment unassisted by legislation proscribed literacy tests administered *only* in the English language,[3] the Court upheld the congressional determination of a violation of the equal protection clause.

In the recent *Voting Rights Cases*,[4] the Court did not limit Congress powers to define constitutional guarantees as set forth in *Katzenbach v. Morgan*. In the Voting Rights Amendments of 1970,[5] the Congress, acting under Section 5, declared that the limitation of the vote in state election to persons over 21 constituted an invidious discrimination against 18–20 year olds, in violation of the equal protection clause. A fragmented five-man majority of the Court invalidated that provision. An examination of the separate opinions of Justices Stewart (joined by the Chief Justice and Justices Blackmun),[6] Harlan[7] and Black,[8] which made up the majority on this point reveals no majority view contrary to that expressed in *Morgan* concerning Congressional power under Section 5. Rather the decision seems to be based on the majority's conclusion that there was *no basis* for the Congressional judgment that a voting age of 21 constitutes invidious discrimination against 18, 19 and 20 year olds.[9] Four Justices voted to uphold the Congressional judgment—one that is obviously more tenuous than the one proposed here.[10]

The Supreme Court has held that the due process clause of the Fourteenth Amendment incorporates and applies to the states the Eighth Amendment prohibition against the imposition of cruel and unusual punishment.[11] It is thus subject to interpretation and enforcement by the Congress under Section 5. The question thus becomes whether there is a perceivable basis for a congressional conclusion that the death penalty constitutes cruel and unusual punishment. An examination of the case law and of recent scholarship makes clear that there is a strong basis for that conclusion.

In early dicta, the Supreme Court viewed the Eighth Amendment prohibition as applying only to penalties that the framers of the Bill of Rights would have thought cruel and unusual, specifically extremes of torture and maiming. *Wilkerson v. Utah*, 99 U.S. 130 (1878); *In Re Kemmler*, 136 U.S. 436 (1890). On this standard, the death penalty itself was viewed as not prohibited by the cruel and unusual punishment clause.

However, in its first full construction of the clause, in *Weems v. United States* in 1910,[12] the Court rejected the theory that the "cruel and unusual" concept was frozen forever by the penal standards of the eighteenth century. In *Weems*, the Court struck down as disproportionately harsh a Philippine statute which provided a minimum twelve-year sentence at hard and painful labor, for the offense of falsifying government records.[13] The Court made clear that the constitutional standard governing the severity of punishment must grow and change with time: "a principle to be vital must be capable of wider application than the mischief which gave it birth . . ."[14]

Since *Weems*, the Court has adhered to the concept of a developing Eighth Amendment. The principle received its fullest expression in the 1958 case of *Trop v. Dulles*,[15] in which the Court held that deprivation of citizenship was a cruel and unusual punishment for the crime of desertion in wartime. The Court stated that the prohibition against cruel and unusual punishment "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."[16] At the same time, again in dictum, the Court noted the "forceful" arguments against capital punishment, but stated that *"in a day when it is still widely accepted* it cannot be said to violate the constitutional concept of cruelty."[17]

Since *Trop*, the premise on which the Court's dictum concerning capital punishment is based—the wide acceptance of capital punishment—has increasingly been undermined. Moreover, judges and constitutional scholars have argued in growing numbers that the "evolving standards of decency" of this society no longer can tolerate the taking of human life as punishment for crime. In 1968, the Supreme Court granted certiorari to consider whether the death penalty for robbery was cruel and unusual punishment, but decided the case on other grounds.[18] Only last year, the Fourth Circuit Court of Appeals finally did strike down the death penalty as applied to certain rape cases on Eighth Amendment grounds.[19] Recently, several scholarly commentators, including former Supreme Court Justice Arthur Goldberg, have argued that the Eighth Amendment bars the death penalty altogether.[20]

The case against the death penalty as cruel and unusual punishment is based on three propositions: (1) the penalty is cruel and severe out of all proportion to other punishments exacted by our criminal justice system; (2) it is "unusual", in that it is rarely imposed and even more rarely carried out in contemporary America, and in that its imposition is arbitrary and unfair to the few who actually suffer it; and (3) there is no compelling justification for it in terms of the accepted goals of criminal punishment.

(1) Death—"the extreme penalty"—is incomparably the harshest punishment known to our law. Not only is life itself taken, it is taken in a manner which imposes the most terrible mental suffering, often leading to insanity or suicide.[21] Dostoevsky, who himself once faced the firing squad and was reprieved at the last minute, described the uniquely cold-blooded horror of execution:

"[T]he chief and worst pain may not be in the bodily suffering but in one's knowing for certain that in an hour and then in ten minutes, and then in half a minute, and then now, at the very moment, the soul will leave the body and that one will cease to be a man and that that's bound to happen; the worst part of it is that it's certain. . . . To kill for murder is a punishment incomparably worse than the crime itself. Murder by legal sentence is immeasurably more terrible than murder by brigands. Anyone murdered by brigands, whose throat is cut at night in a wood, or something of that sort, must surely hope to escape till the very last minute. . . . But in the other case [execution] all that last hope, which makes dying ten times as easy, is taken away for certain. There is the sentence, and the whole awful torture lies in the fact that there is certainly no escape, and there is no torture in the world more terrible. . . ."[22]

Camus wrote:

"But beheading is not simply death. It is just as different, in essence, from the privation of life as a concentration camp is from prison. It is a murder, to be sure, and one that arithmetically pays for the murder committed. But it adds to death a rule, a public premeditation known to the future victim, an organization, in short, which is in itself a source of moral sufferings more terrible than death. Hence there is no equivalence. Many laws consider a premeditated crime more serious than a crime of pure violence. But what then is capital punishment but the most premeditated of murders, to which no criminal's deed, however calculated it may be, can be compared? For there to be equivalence, the death penalty would have to punish a criminal who had warned his victim of the date at which he would inflict a horrible death on him and who, from that moment onward, had confined him at his mercy for months. Such a monster is not encountered in private life."[23]

Beyond the mental suffering, it is open to serious question whether the methods of execution used today are as humane as we like to think. There is evidence that death by electrocution, lethal gas and hanging is often by no means instantaneous and may be very painful.[24] It is certain that the actual details of execution are degrading to the condemned man, and leave him little chance to die with dignity and self-respect.[25] And, as the Court held in *Trop*, the chief concern of the prohibition against cruel and unusual punishment is with "the dignity of man."[26]

Closely related to the cruelty and severity of death is the "sheer enormity of the punishment."[27] More than the expatriation condemned in *Trop v. Dulles*, execution deprives those subjected to it of their "right to have rights."[28] A convict under life sentence may be freed if new evidence is found which establishes his innocence. Even the guilty man—guilty of the most terrible crime—may some day so reform himself that he can safely be returned to society.[29] All those hopes are extinguished by the finality of execution.

(2) Not only is the penalty of death cruel, it is "unusual" in a constitutionally significant sense. Most American jurisdictions—though a shrinking number—retain the death penalty for murder and for a few other crimes.[30] But in reality the penalty is exacted against only a small and erratically selected proportion of the persons convicted of the crimes.

The number of executions has steadily declined over the years in this country, while the population and crime rate have gone up. In the last few years, there have been no executions, and even before the litigation-inspired stays of recent years, executions had become very rare.[31]

The process of determining who among those convicted of capital crimes will die is a haphazard one. Normally, it is entrusted to the unguided discretion of the jury; and in some states, the judge has the additional discretion to reduce a jury-imposed death sentence to life imprisonment, also without any standards or criteria to guide him.[32] These sentencing bodies are free to act on grounds of whim, caprice, recent public

Footnotes at end of article.

clamor, or prejudice—for they need give no reason for their decision between life and death. Other discretionary elements enter into the decision. The prosecutor can charge a capital crime or a lesser offense. He may or may not ask for the death penalty. If it is given, the executive has total discretion to commute the sentence or not.[33] Each of these factors serves to reduce the number of those actually executed, but each of them also makes more arbitrary and unfair the choice of those who finally do suffer death. Each of the screening devices is more likely to work in favor of the defendant with friends, influence, money or a good lawyer. The end product of the system is predictable: it is the poor, the uneducated, the members of minority groups who are actually executed in this country.[34]

The reason for the increasingly infrequent and arbitrary use of the death penalty is that the public will no longer tolerate the large numbers of executions produced by mandatory death sentences for capital crimes. In some jurisdictions, this reaction has led to outright abolition of the death penalty. In others, however, it has led only to the introduction or wider use of the various discretionary devices—chief among which is jury sentencing discretion—through which most capital defendants can escape execution.[35] The victims of the compromise are the few arbitrarily and often discriminatorily selected capital defendants who actually are executed, although no legally prescribed standard differentiates their cases from those of the defendants whose lives are spared. The public is not sufficiently appalled at these few sporadic executions to force the death penalty off the statute books, though application of the penalty in all capital cases would doubtless lead to abolition.[36]

The Eighth Amendment, if it is to have any independent force whatever, must prevent the rare and arbitrary—the "unusual"—infliction of a punishment which, if applied generally and evenhandedly would shock the public sense of decency by its harshness. It is in this sense that the death penalty is today in America an unusual as well as a cruel punishment. Actual practice in our criminal justice system has undermined the premise of the Supreme Court's dictum approving the death penalty "in a day when it is still widely accepted." [37] In practice, it is widely accepted no longer.

(3) The combination of the cruelty of the death penalty and its arbitrary application might be enough in itself to condemn the penalty under the Eighth Amendment. It seems plain that at the very least it shifts the burden to the state to support the penalty with the kind of "compelling justification" which courts have traditionally required where government policies intrude upon constitutionally protected values.[38] Under this standard, the state has the burden of showing that the death penalty serves some recognized purpose of the criminal law more effectively than any alternative punishment can. This burden cannot be met.

Of course, the function of rehabilitation militates against the death penalty—putting a man to death negates all hope of rehabilitating him. A second important function of the criminal law is protection against further crimes by the particular offender, but there is no reason to suppose that a modern prison cannot adequately serve this function.[39] Offenders can be incarcerated as long as there is danger they might repeat their crimes—for the rest of their lives, where rehabilitation proves impossible.[40]

The justification for capital punishment is normally posed in terms of deterrence. But *none* of the numerous scientific studies on the question has supported the claim that the death penalty is a greater deterrent than life imprisonment.[41] Neighboring states, comparable in history and in social and economic makeup, differing only in that one of them has the death penalty while the other does not, have been shown to have no significant differences in their homicide rates.[42] The crime statistics from states which have abolished capital punishment and then restored it have shown no upsurge in murders during the abolition period.[43] The statistical evidence is such that Professor Thorsten Sellin, perhaps the leading authority on death penalty statistics, has concluded that "[The death penalty] has failed as a deterrent. If it has any utilitarian value, it must rest in some other attribute than its power to influence the future conduct of people." [44]

The reasons why the death penalty is not an effective deterrent are reasonably clear. A large proportion of murders are committed by persons who, either by virtue of mental instability or momentary passion, are oblivious to the consequences. In other cases, it is fair to assume in light of the enormity of imprisonment for life, that the crimes would not occur if the offender did not believe he could escape detection. And where detection is considered likely, the prospect of a sentence of life imprisonment upon conviction or being killed during the course of apprehension is certainly adequate to deter a rational man.[45]

With respect to the question of deterrence there may be another side of the ledger. It has frequently been suggested that persons with suicidal impulses may commit murder to effect their own execution.[46] More generally, it is often argued that execution by the state creates a climate of violence that may increase the occurrence of capital crimes.[47]

In short, evidence and logic strongly indicate that capital punishment does not deter; it may even increase the rate of capital crimes.[48]

"Since the state cannot sustain its burden by showing compelling reason to believe that a legitimate purpose of the criminal law is more effectively served by the death penalty than by a less severe punishment, capital punishment should be held unconstitutional."

Goldberg and Dershowitz, *supra*, at 1797.

For two reasons, the cruel and unusual punishment provision particularly lends itself to legislative rather than judicial definition. *First*, the provision is unique among the guarantees of the Bill of Rights in its generality and vagueness, and probably for this reason it has been infrequently applied by the courts to restrict criminal penalties. Rather than embodying precise standards which the courts can easily apply, it suggests a standard based on the general moral sense of society as a whole—as the Supreme Court has put it, on "the evolving standards of decency that mark the progress of a maturing society." [49]

The courts no doubt feel that the legislatures—answerable as they are to the will of the people—are better suited to define and enforce society's "standards of decency." [50] Under this view Congress, as the branch of government most able to formulate *national* standards of morality and decency, has a special responsibility to define the boundaries of the prohibition against cruel and unusual punishments.

A second consideration supporting congressional action on the death penalty is the superior factfinding power of Congress. Constitutional scholars have suggested that Congress' special power to go beyond the courts in defining constitutional rights is in part based upon its greater ability to gather and evaluate the relevant general social facts.[51] By contrast to the broad investigative powers of Congress, courts are normally confined to the record of a single case—a record limited by rules of evidence designed for the resolution of individual disputes, rather than general questions of social policy.

Intelligent resolution of the constitutionality of the death penalty involves issues of general social fact. How cruel, mentally and physically, is execution as actually administered in this country? How useful is the death penalty as a deterrent to serious crime? How rare and arbitrary is it in its application? Answering these questions requires investigation of the institution of capital punishment as a whole. Plainly, Congress is better equipped to conduct such an investigation than are the courts.

II. EQUAL PROTECTION

The Equal Protection Clause forbids discrimination in the application or enforcement of the laws.[52] The available evidence strongly suggests that the death penalty is discriminatorily applied to black Americans. On the basis of this evidence, Section 5 of the Fourteenth Amendment authorizes Congressional prohibition of capital punishment.

*a. The discriminatory enforcement of the death penalty*

Of 455 men executed for rape in this country since 1930, 405, or nearly 90%, have been black.[53] In six of the nineteen jurisdictions which impose the death penalty for rape, only black defendants have been executed for that crime.[54] With respect to other capital crimes, there is strong indication of racial discrimination. Blacks constitute 76 per cent of those executed for robbery, 83 per cent of those executed for assault by a life prisoner, and 100 per cent of those executed for burglary in the same period.[55] Of those executed for murder since 1930, 49 per cent have been black, although blacks have made up only about 10 per cent of the population during that period.[56] Of all persons executed since 1930, 53.5 per cent have been black.[57] Of prisoners on death row as of the end of 1968, 52 per cent were black.[58]

The rate of execution of blacks far exceeds the proportion of capital crimes committed by black defendants. This has been most clearly proven with respect to executions for rape. A study of rape cases in Florida between 1940 and 1964 revealed that only 5 per cent of whites who raped white victims were executed. No white man was sentenced to die for raping a black woman. However, 54 per cent of the blacks convicted of raping white victims were sentenced to death.[59] An exhaustively careful study of rape cases in a random selection of Arkansas counties showed similarly gross disparities in death sentences for rape between black and white defendants.[60]

With respect to crimes other than rape, the evidence of discrimination is still strong. A study of all capital cases in New Jersey under a half of the blacks convicted of capital crimes were sentenced to die. In the same period, less than a third of the whites convicted of the same crime received death between 1930 and 1961 revealed that just sentences.[61] A study of homicide cases in 10 North Carolina counties over a 10-year period revealed clear evidence of discrimination in sentencing. Of blacks convicted of killing whites, 37 per cent were sentenced to death. No white defendants received death sentences for killing blacks.[62]

The pattern of racial discrimination continues after sentencing. A study of commutations in Pennsylvania between 1914 and 1958 revealed that whites were twice as likely as blacks to have their sentences commuted.[63] A similar study in New Jersey found almost precisely the same pattern—whites were twice as likely as blacks to receive com-

mutations.[64] A study of executions in the southern states showed that of those sentenced to death, blacks were far more likely than whites actually to be executed; for instance, in North Carolina only 35 per cent of whites sentenced to death were finally executed, while the comparable figure for blacks was 67 per cent.[65]

*b. Congressional authority*

It was well established before *Morgan v. Katzenbach* and the *Voting Rights Act Cases* that the Civil War Amendments granted Congress broad powers to implement the prohibitions they laid down.[66] The remedies available to Congress include the invalidation of state laws or procedures which, although nondiscriminatory on their face, have been shown to result in violations of rights secured by the Fourteenth and Fifteenth Amendments.

Recent legislation barring the use of literacy tests for voting provides a case in point. The Supreme Court has held that there is nothing inherently discriminatory in requiring literacy of voters.[67] In 1965, however, Congress determined that literacy tests were being used discriminatorily to disqualify black voters in certain states and, by statute, suspended their use for all voters in those states.[68] The Supreme Court sustained the statute in *South Carolina v. Katzenbach*.[69] In 1970 the Congress extended the literacy test ban to all states, including those in which there had been no prior showing of discriminatory application.[70] Again, the Supreme Court unanimously sustained the legislation, holding that administrative convenience and the interest in uniformity justified the nationwide extension of the prohibition to states which had not been shown to have used literacy tests to discriminate.[71] Similarly here, upon the evidence of systematic racial discrimination in the implementation of the death penalty, Congress could prohibit the use of the death penalty, not only in those states for which there is such evidence, but across-the-board.

Both Congress in enacting and the Supreme Court in upholding the literacy test legislation emphasized the difficulty of establishing racial discrimination in court in individual instances.[72] The situation is similar with the death penalty. Just as an individual black citizen found it hard to prove that a literacy test had been used to discriminate against him, so do individual black defendants find it almost impossible to convince a court that they would not have been sentenced to death had they been white.[73] Congress, unlike the courts, may look beyond the question of whether any individual black defendant was sentenced to death discriminatorily to examine the broad pattern. Where evidence of discrimination is clear, it may then embody its general conclusions in legislation invalidating laws and procedures which give rise to the pattern of discrimination. There is ample basis for such action with respect to the death penalty.

III. CONSTITUTIONAL BASIS FOR A STAY OF EXECUTIONS

Since Congress is authorized to abolish the death penalty in the states, it seems plain that it could *stay* executions for a limited period to promote careful consideration of the constitutional and other issues raised by the death penalty, and to prevent irreparable injury to the rights of those under sentence of death in the meantime.

To stay all executions, Congress need not now find that the death penalty is unconstitutional or is used to deny constitutional rights. It need only make the scarcely controversial finding that there exist serious questions of constitutionality, questions which are within Congress' legislative jurisdiction. Such a stay would serve two purposes, both of which lie within the ambit of concern granted to Congress by the Constitution.

First, by declaring a moratorium on executions for a limited time, Congress would be ensuring a period of calm deliberation on the general question of the death penalty both to itself and to other duly constituted authorities during that time. The idiosyncrasies of individual defendants and individual cases would then not assume disproportionate importance, and the death penalty could be properly evaluated on the basis of the whole institution, rather than on the basis of the case most recently brought to public attention by a recent or immediately pending execution—whether that case should involve a particularly horrible crime or a particularly pathetic defendant.

Second, and more important, a congressional stay would prevent the irreparable injury to constitutional rights threatened by each execution, while Congress determined whether those rights require abolition of the death penalty. Congress broad powers to enforce constitutional guarantees surely include the power to preserve the status quo while it determines how far those guarantees reach and to what extent they require legislative protection. Just as a court of equity may issue a temporary injunction to preserve the status quo and prevent irreparable injury pending its determination of the merits of the case, so may Congess suspend a practice while it determines its constitutionality. To hold otherwise would mean that Congress was without power to prevent executions while it was considering the very question whether the death penalty violated basic constitutional rights—an absurdly inappropriate restriction upon the sweeping authorization to enact all "appropriate legislation" for the protection of those rights.

A final point supports the constitutionality of a congressional stay of execution. The question of the death penalty is not only before Congress. The accumulation of record numbers of condemned men on the Death Rows of the nation, and the practical possibility of mass executions raised by the recent Supreme Court decisions, mean that the case for abolition will come before the state legislatures with new force in the next months and years. However, because of the scheduling of state legislative sessions, there is the danger that men will be executed before the legislatures can confront the issue. Many legislatures will not be in session until next year, and some of them will not convene again until 1973.[74] While governors could stay executions in some of these states pending legislative action, in some they lack the power, while in others they may be unwilling for reasons of personal belief or local politics to take such action. In these circumstances, a temporary stay of executions by Congress would preserve the status quo not only for the sake of congressional deliberation, but also would do the same service for the legislatures of the several states.

FOOTNOTES

[1] See *Katzenbach* v. *Morgan*, 384 U.S. 641, 650 (1966); *Ex Parte Virginia*, 100 U.S. 339, 345–346 (1879); and cf. *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966) (Section 2 of the Fifteenth Amendment); *James Everard's Breweries* v. *Day*, 265 U.S. 545, 558–559 (1924) (Section 2 of the Eighteenth Amendment); *McCulloch* v. *Maryland*, 4 Wheat. 316, 421 (1819) (Article I, Section 8, Clause 18).

[2] 42 U.S.C. § 1973b(e).

[3] Existing case law strongly suggested that the Spanish-speaking voters enfranchised by Section 4(e) could not have succeeded in an equal protection challenge to the New York English literacy law unassisted by federal legislation. In *Lassiter* v. *Northampton Election Bd.*, 360 U.S. 45 (1959), the Supreme Court unanimously upheld a North Carolina law requiring English literacy as a condition of eligibility to vote against equal protection challenge. The petitioner in *Lassiter* was, however, not literate in another language as were the voters involved in the *Morgan* case. The Court in *Morgan* explicitly distinguished *Lassiter* on the ground of the intervening legislation, 384 U.S. at 649.

[4] *Oregon* v. *Mitchell*, 400 U.S. 112 (1970).

[5] 84 Stat. 314 (1970).

[6] 400 U.S. at 281, 295–296.

[7] 400 U.S. at 152, 212–213.

[8] 400 U.S. at 119, 129.

[9] See particularly 400 U.S. at 212 (Harlan, J.):

"I think it is fair to say that the suggestion that members of the age group between 18 and 21 are threatened with unconstitutional discrimination . . . is little short of fanciful."

And see 400 U.S. at 296 (Stewart, J.):

"But it is necessary to go much further [than the Court did in *Morgan*] to sustain § 302. The state laws that it invalidates do not invidiously discriminate against any discrete and insular minority."

[10] 400 U.S. at 135 (Douglas, J.); 400 U.S. at 229 (Brennan, White, and Marshall, JJ).

[11] *Robinson* v. *California*, 370 U.S. 660 (1962); *Malloy* v. *Hogan*, 378 U.S. 1, 6 n. 6 (1964).

[12] 217 U.S. 349.

[13] The statute required that those convicted of the offense "shall always carry a chain at the ankle, hanging from the wrists; they shall be employed at hard and painful labor, and shall receive no assistance whatsoever from without the institution." They were also disqualified for life from holding office, voting, receiving retirement pay, and were subject to "surveillance during life." 217 U.S. at 364.

[14] 217 U.S. at 373.

[15] 356 U.S. 86 (1958). Four members of the Court found expatriation a cruel and unusual punishment *per se;* Mr. Justice Brennan, concurring, combined the Eighth Amendment with a concept of substantive due process to void the penalty. See Note, *The Death Penalty Cases*, 56 Calif. L. Rev. 1268, 1336 (1968).

[16] 356 U.S. at 100–101.

[17] 356 U.S. at 99 (emphasis added).

[18] *Boykin v. Alabama*, 395 U.S. 238 (1969).

[19] *Ralph v. Warden*, 4th Cir., No. 13757 (December 11, 1970). Compare *Rudolph v. Alabama*, 375 U.S. 889 (1963) (Goldberg, J., dissenting), in which three justices of the Supreme Court thought the Court should consider whether the death penalty for rape was a cruel and unusual punishment.

[20] Goldberg & Dershowitz, *Declaring the Death Penalty Unconstitutional*, 83 Harv. L. Rev. 1773 (1970); Note, *The Death Penalty Cases, supra;* Bedau, *The Courts, The Constitution, and Capital Punishment*, 1969 Utah L. Rev. 201; Gottlieb, *Testing The Death Penalty*, 34 S. Cal. L. Rev. 268 (1961).

[21] On the psychological consequences of life on death row, see West, "Medicine and Capital Punishment", in *To Abolish the Death Penalty*, Hearings Before the Subcommittee on Criminal Laws and Procedures, Senate Judiciary Committee, 90th Cong. 2d Sess., at 124 (1968) (hereinafter "Senate Hearings"). See also Bluestone and McGahee, *Reaction To Extreme Stress: Impending Death by Execution*, Am. J. Psych., Nov. 1962, p. 393; *Solesbee v. Balkcom*, 339 U.S. 9, 14 (1950) (Frankfurter, J., dissenting). For personal accounts see R. Hammer, *Between Life and Death* (1969); E. Smith, *Brief Against Death* (1968).

[22] Dostoevsky, *The Idiot* 19–21 (1958).

[23] Camus, "Reflections On the Guillotine" in *Resistance, Rebellion and Death* 151–152 (Modern Library, 1960).

[24] The authorities on this point are collected in Note, *The Death Penalty Cases, supra* n. 15, at 1339–1341.

[25] See the testimony of Clinton Duffy, for many years warden of San Quentin Prison, in *Senate Hearings* at 19–21.

[26] 356 U.S. at 100.

[27] Goldberg & Dershowitz, *supra*, at 1798.

[28] 356 U.S. at 102.

[29] See, *e.g.*, "The Rehabilitation of Nathan Leopold", *Saturday Evening Post*, June 1, 1963, pp. 66–68; Bailey, "Rehabilitation On Death Row" in Bedau, ed., *The Death Penalty in America* 556 (1967) (hereinafter "*Bedau*").

[30] Sixteen American jurisdictions have either abolished capital punishment entirely, or retain it only for rare crimes such as a second first-degree murder, murder of a prison guard, or murder of a police officer. In the following list, total abolition jurisdictions are italicized, and the date of abolition is given where it is recent: *Alaska* (1957), *Hawaii* (1957), Iowa (1965), *Maine, Michigan, Minnesota*, New York (1965), New Mexico (1969), North Dakota, *Oregon* (1964), Puerto Rico, Rhode Island, Vermont (1965), *Virginia Islands* (1957), *West Virginia* (1965), *Wisconsin*. The remaining 36 states, the District of Columbia, and the federal jurisdiction retain capital punishment for first degree murder; some of them have it for other crimes as well. The Army and Air Force have capital punishment; the Navy and Marines do not.

[31] There have been 3859 executions in the United States since reliable statistics began to be kept in 1930, 3334 for murder. Only 191 of these were during the 1960's, and there have been no executions since 1967. The trend is shown by the figures for the following representative years:

| | |
|---|---|
| 1930 | 155 |
| 1935 | 199 |
| 1940 | 124 |
| 1945 | 117 |
| 1950 | 82 |
| 1955 | 76 |
| 1960 | 56 |
| 1961 | 42 |
| 1962 | 47 |
| 1963 | 21 |
| 1964 | 15 |
| 1965 | 7 |
| 1966 | 1 |
| 1967 | 2 |

*National Prisoner Statistics: Capital Punishment, 1930–1968* (1969) (hereinafter "NPS").

By way of comparison, there were 9140 reported criminal homicides in 1960, and 14,590 in 1969. FBI, *Uniform Crime Reports*, 1960, 1969. Criminologists estimate that between 10 and 25 per cent of criminal homicides are capital (first-degree) murders. *Bedau* at 62.

[32] See Knowlton, *Problems Of Jury Discretion in Capital Cases*, 101 U. Pa. L. Rev. 1099 (1953).

[33] In most states the governor has the clemency power; in others it rests in the parole and pardon board; in some it is shared. See generally Abramowitz & Paget, *Executive Clemency in Capital Cases*, 39 N.Y.U.L.R. 136 (1964).

[34] On the race of those executed, see Part II of this memorandum, *infra*. On their poverty and educational status, see, *e.g.*, *Senate Hearings* at 11 (testimony of Michael DiSalle), and at 25 (testimony of Clinton Duffy).

[35] For a historical review of this development, see *Bedau* at 27–30.

[36] "The government envisaged for this country by the Constitution is a democratic one, and in a democracy there is little reason to fear that penal laws will be placed upon the books which, in their general application, would affront the public conscience. The real danger concerning cruel and inhuman laws is that they will be enacted in a form such that they can be applied sparsely and spottily to unhappy minorities, whose numbers are so few, whose plight so invisible, and whose persons so unpopular that society can readily bear to see them suffer torments which would not for a moment be accepted as penalties of general application to the populace." Brief *Amicus Curiae* for the N.A.A.C.P. Legal Defense and Educational Fund, Inc., in *Boykin v. Alabama, supra*, at 38–39.

[37] *Trop v. Dulles, supra*, at 99.

[38] See, *e.g.*, *Skinner v. Oklahoma*, 316 U.S. 535 (1942); *Speiser v. Randall*, 357 U.S. 513 (1958); *Shapiro v. Thompson*, 394 U.S. 618 (1969). Justice Goldberg has argued that a compelling interest test should be applied to the death penalty under the Eighth Amendment; Goldberg & Dershowitz, *supra*, at 1794. See also Note, *The Death Penalty Cases, supra*, at 1355.

[39] The evidence strongly supports the conclusion of Warden Lawes of Sing Sing that, far from posing a special threat, "as a group [murderers] constitute the most reliable and dependable men in the institution." L. Lawes, *Man's Judgment of Death* 39. See Bedau at 400–401, 494–500; Sellin, ed., *Capital Punishment*, 154–189 (hereinafter "*Sellin*") (1967). Governor DiSalle of Ohio used life-term convicted murderers as his household staff in the executive mansion; see *Senate Hearings* at 17.

[40] Some murderers sentenced to life imprisonment are released on parole, and studies show that they are far better parole risks than any other class of offenders. In general, the recidivism rate for released murderers is very low, and the rate of murder-recidivism is nearly zero. See *Bedau* at 395–405; *Sellin* at 169–188; Stanton, *Murderers On Parole*, 15 Crime and Delinquency 149 (1969); Royal Commission on Capital Punishment, Report at 486–491 (1953) (hereinafter "*Royal Commission Report*"); California Assembly Interim Report, Vol. 20, no. 3, "Problems of the Death Penalty and its Administration in California" at 12 (1957).

[41] The studies are collected in *Bedau* at 258–332, and the relevant statistics are set out in full detail in *Royal Commission Report* at 328–380. More recent statistics are examined by Reckless, in 15 Crime and Delinquency 52 (1969). Most official bodies which have examined the statistics have agreed with the United Nations report that "the data which now exist show no correlation between the existence of capital punishment and lower rates of capital crime." United Nations, Dept. of Economic and Social Affairs, *Capital Punishment* 123 (1968). Cf. *Royal Commission Report* at 18–24, 58–59, 328–330; New York Temporary Commission on Revision of the Penal Law and Criminal Code, *Special Report on Capital Punishment* 2 (1965); President's Commission on Law Enforcement and the Administration of Justice, *Report* 143 (1967); Pennsylvania Joint Legislative Committee on Capital Punishment, *Report* 9, 20–29 (1961); Canadian Ministry of Justice, *Capital Punishment: Material Relating to Its Purpose and Value* 36–37 (1965).

[42] *Bedau* at 279.

[43] *Bedau* at 333–334, 339–343.

[44] *Bedau* at 284.

[45] Sellin reports that over a 20-year period in Chicago, 330 homicide suspects were killed during the crime or while being apprehended, while only 45 murderers were executed. *Sellin* at 251.

[46] See West, "Medicine and Capital Punishment", in *Senate Hearings* at 126–127; and see *Bedau* at 263–264.

[47] The point is put forcefully by Camus; see "Reflections On the Guillotine", *supra*, at 148–149; it is summed up by Shaw's aphorism: "Murder and capital punishment are not opposites that cancel one another, but similars that breed their kind." *Senate Hearings* at 91 (testimony of Attorney General Ramsey Clark). There is even some statistical evidence that the homicide rate rises on nights before scheduled executions; Graves, "The Deterrent Effect of Capital Punishment in California", in *Bedau* at 322, 329.

[48] We have not included retribution among the legitimate objects of criminal punishment. As the British Royal Commission concluded, "[m]odern penological thought discounts retribution in the sense of vengeance." *Royal Commission Report* at 17. Accord: *Williams* v. *New York*, 337 U.S. 241, 248 (1949); *Morrissette* v. *United States*, 342 U.S. 246, 251, (1952); *People* v. *Love*, 53 Cal. 2d 843, 856–857 n. 3, 350 P. 2d 705, 713 n. 3 (1960); *People* v. *Oliver*, 1 N.Y. 2d 152, —, 151 N.Y.S. 2d 367, 373, 134 N.E. 2d 197, 201–201 (1956). Contemporary proponents of the death penalty eschew reliance on retribution, and rely on arguments from deterrence and restraint; see *Bedau* at 120–165. This is not to say that the spirit of vengeance is not an important factor in the continued existence of the death penalty; rather, retentionists do not rely on it when stating arguments; in support of their position, thus recognizing the virtually unanimous societal rejection of vengeance as a proper goal of the criminal law.

[49] *Trop v. Dulles, supra*, at 101.

[50] Goldberg & Dershowitz, *supra*, at 1800–1802.

[51] See, *e.g.*, Cox, *Constitutional Adjudication and the Promotion of Human Rights*, 80 Harv. L. Rev. 91, 107 (1966).

[52] *Yick Wo v. Hopkins*, 118 U.S. 356 (1886); *Fowler v. Rhode Island*, 345 U.S. 67 (1953); *Carter v. Jury Commission*, 396 U.S. 320 U.S. 320 (1970).

[53] NPS at 10.

[54] *Id.* at 10–11.

[55] *Id.*

[56] *Id.*

[57] *Id.*

[58] Id. at 3.

[59] American Civil Liberties Union of Florida, "Rape: Selective Execution Based on Race" (1964).

[60] Transcript of Pretrial Hearing, *Maxwell v. Bishop*, No. PB66–C–52, August 22, 1966 (E. D. Ark.) (testimony of Marvin E. Wolfgang).

[61] Wolf, *Abstract of Analysis of Jury Sentencing in Capital Cases: New Jersey*, 19 Rutgers L. Rev. 56 (1964).

[62] Garfinkel, *Research Note on Inter- and Intra-Racial Homicides*, 27 Social Forces 369–381 (1949).

[63] Wolfgang, Kelly and Nolde, "Executions and Commutations in Pennsylvania" in *Bedau* at 464.

[64] Bedau, *Death Sentences in New Jersey—1907–1960*, 19 Rutgers L. Rev. 1 (1964).

[65] M. Wolfgang and B. Cohen, *Crime and Race: Conceptions and Misconceptions* 85–86 (1970).

[66] See, *e.g.*, *Ex Parte Virginia*, 100 U.S. 339, 345–346 (1879).

[67] *Lassiter v. Northampton Election Bd.*, 360 U.S. 45 (1959).

[68] Voting Rights Act of 1965, 79 Stat. 437, 42 U.S.C. §§ 1973–1973n (1964, Supp. I).

[69] 384 U.S. 301 (1966).

[70] Voting Rights Amendments of 1970, 84 Stat. 314, 42 U.S.C.A. § 1973aa (1971 Supp.).

[71] *Oregon v. Mitchell*, 400 U.S. 112, 118 (1970). See *id.* at 131–134 (Black, J.); *id.* at 144–147 (Douglas, J.); *id.* at 216–217 (Harlan, J.); *id.* at 231–236 (Brennan, White and Marshall, J.); *id.* at 282–284 (Stewart, J., joined by the Chief Justice and Blackmun, J.).

[72] *South Carolina v. Katzenbach, supra*, 383 U.S. at 313–315.

[73] See, *e.g.*, *Maxwell v. Bishop;* 398 F.2d 138, 147–148 (8th Cir. 1968), *vacated on other grounds*, 398 U.S. 262 (1970).

[74] Some 21 states have regular legislative sessions only in odd-numbered years. *The Book of the States: 1970–1971.*

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By Mr. PROXMIRE:

S. 1970. A bill to amend the Employment Act of 1946 to provide for an informed public opinion upon price and income behavior which threatens national economic stability. Referred to the Committee on Banking, Housing and Urban Affairs.

PRICE INCOME GUIDEPOST BILL

Mr. PROXMIRE. Mr. President, today I am introducing a bill to amend the Employment Act of 1946. The purpose of my bill is to help establish the new economic policies which the country must have if we are to restore full employment with reasonable price stability.

The bill would contribute to the formulation of these new policies in two ways. First, it would require the President to establish immediately the voluntary price and income guideposts which have long been so urgently needed. Second, it would require the President to study thoroughly all the policy steps which may be needed in order to restore and to maintain full employment without inflation.

The first part of my bill—that calling for immediate enunciation of guideposts—is essentially identical to the bill which Congressman REUSS and I introduced last year. It would make the determination of explicit quantitative price and income guideposts a clear legislative responsibility of the President. The first guideposts would be established as soon as possible after the bill was enacted. Thereafter, guideposts would become a required element in the annual Economic Report of the President. The President would, of course, call on the advice of the Council of Economic Advisers, as well as on other appropriate Federal agencies, in formulating the guideposts. The President and his advisers would also consult fully with business and with labor during the formulation of the guideposts.

The need for guideposts is nothing new. We needed them badly when I introduced this bill last year. Indeed, we have needed them all along. It is most unfortunate that they were abandoned in 1967. However, the main point I wish to make is that we still need them today—and need them more urgently than ever. The inflation problem has not gone away. Much as we would like to see inflation disappear, it cannot be wished away. Nor can it be frightened away by high unemployment. Even if we were satisfied to pay the enormous costs of unemployment in order to get rid of inflation, this approach just does not work. We have tried it for over 2 years, and it has not worked. Unemployment has now been at the 6-percent level for 6 months, yet the rate of inflation as measured by the GNP deflator was higher in the first quarter of this year than it was during 1970. While the Consumer Price Index improved during the first quarter, hopes for future improvement have been clouded by the disturbing rise in the wholesale prices in April.

Most observers have been surprised by the continued strength of inflation. A number of economic forecasts for 1971 have recently been revised upward in current dollar terms, but revised downward in terms of the expected growth of real output. This is the worst of both worlds. There is obviously no satisfaction in seeing GNP reach $1,050 billion in 1971, or $1,055, or even that famous figure of $1,065 if this increase is primarily the result of inflation. Indeed, it would be a disaster if the administration's $1,065 forecast were to be realized in dollar terms, while unemployment continued to rise because the growth of real output was insufficient to provide job openings for a growing labor force.

No one is hoping for a $1,065 GNP just because they like the sound of that number. It is time to forget about $1,065 or $1,055 or any other current dollar number and talk in terms of the growth of real output. Policies must be aimed at expanding our real output at a rate which allows for productivity improvement and for the opening of new job opportunities. This means a real growth rate in excess of 4½ percent per year.

There is widespread agreement on the desirability of encouraging faster real growth. There is increasing agreement that new policies are needed to achieve this goal. Many are coming to feel, as I do, that new steps to promote growth, such as the immediate introduction of the individual income tax cuts now scheduled for 1972 and 1973, must be taken.

At the same time we take these stimulative steps which are so badly needed, we must also take effective steps to control inflation. This is why the immediate introduction of guideposts is so important. Of course, the administration has taken some steps in this direction—such as the effort a few months ago to contain the increase in steel prices. I have supported these steps, but they have been far too timid, too isolated, and too erratic. We need a systematic, continuing incomes policy which would be conducted at all times as a matter of law. And we need to begin this policy now.

Let me stress that I am talking about a policy of voluntary compliance by business and labor, not a system of mandatory price controls. Congress has already given the President the authority to institute mandatory controls on a temporary basis if he feels this is necessary. However, few would argue that mandatory controls would be satisfactory on a long-term basis. Personally, I feel they would be a serious mistake. By contrast, a voluntary incomes policy is, I believe, both feasible and necessary.

Unfortunately, much less is known about how to make a voluntary incomes policy work than we need to know. We need guideposts now. We cannot wait for a lot of studies to be completed before we institute them. However, at the same time that we introduce interim guideposts, we can begin seriously studying the long-term improvements in our economic institutions which will be required if we are to sustain a satisfactory combination of high employment and price stability in the future.

The unsatisfactory combination of inflation and unemployment from which we are suffering has discouraged everyone. The voices of doom and gloom are telling us that full employment and price stability are not compatible. Some say that we must accept the natural rate of unemployment, however high that is. Others say that we must accept high levels of inflation. We are repeatedly told that incomes policies have not worked well in other countries.

Obviously we cannot accept these conclusions. We must look at incomes policies that have worked. We must reexamine income policies that have not worked to discover how they might have been made to work. We must reexamine the structure of the economy, and measure the contribution which removal of import quotas, breakup of monopoly power, improvements in Government procurement, and better natural resource management can make to price stability. The second part of my bill requires the President to study these questions and to transmit his findings and recommendations to the Congress no later than next January 20; that is, no later than the next annual Economic Report.

My feeling is that this study is already long overdue. The problem of price stability must be approached in a positive manner. We have heard too much about policies that will not work. Too little effort has gone into the search for policies that will. The study I am proposing is not intended to answer the question: "Do we need an incomes policy?" We do. The questions is: "How can an incomes policy best be carried out?" This we must discover.

The study is not designed to answer the question: "Do we need to improve the efficiency of our economy?" Of course we do. The question is: "How can the efficiency of the economy be significantly improved?"

The question is not: "Can we have full employment without inflation?" We can, and we must. The question is: "What must we do to achieve full employment without inflation, and how fast can we do it?"

Few questions are more urgently in need of an answer than this one. I respectfully suggest to the President that he need not wait for my bill to be enacted. A concentrated examination of these questions, bringing to bear all the vast resources of the executive branch could and should begin at once.

I ask unanimous consent that the bill I have introduced be printed in the RECORD.

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

S. 1970

A bill to amend the Employment Act of 1946 to provide for an informed public opinion upon price and income behavior which threatens national economic stability

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Full Employment Amendments of 1971".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby declares that a new mechanism is needed to carry out the aims of the Employment Act of 1946 to promote maximum employment, production, and purchasing power (which includes the concept of reasonable price stability). It is the purpose of this Act to establish a mechanism to provide for an informed public opinion in order to restrain price or income behavior when it threatens national economic stability by causing inflation.

DETERMINATION OF PRICE AND INCOME GUIDEPOSTS

SEC. 3. (a) Section 3 of the Employment Act of 1946 is amended by adding at the end thereof the following new subsection:

"(d) The President shall transmit to the Congress (1) as soon as reasonably possible after July 1, 1971, and (2) thereafter annually as part of the Economic Report of the President and on such supplementary occasions as he shall deem necessary or desirable, explicit quantitative guideposts for price and income behavior. Such guideposts shall be arrived at after full consideration of probable productivity increases, and after full consultation with representatives of business and organized labor. These guidepost recommendations shall, when transmitted to Congress, be referred to the joint committee created by section 5."

(b) Section 4(c) of the Employment Act of 1946 is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new paragraph:

"(6) to conduct such consultation with business, organized labor, and other appropriate persons, and such productivity, price, and income studies as may be required to make recommendations to the President regarding the price and income guideposts to be transmitted to Congress."

DETERMINATION OF PRICE AND INCOME BEHAVIOR INCONSISTENT WITH GUIDEPOSTS

SEC. 4. The Employment Act of 1946 is amended by adding at the end thereof the following new section:

"RECOMMENDATIONS ON PRICE AND INCOME GUIDEPOSTS

"SEC. 6. The President, through appropriate agencies of the Federal Government, shall review actual or imminent price or income behavior which is inconsistent with the price and income guideposts and which threatens national economic stability, and shall make such recommendations to the parties concerned as he determines to be in the public interest."

RECOMMENDATIONS FOR THE CONTINUING EXECUTION OF PRICE AND INCOME POLICIES

SEC. 5. The President shall transmit to the Congress no later than January 20, 1972, his recommendations for an appropriate administrative mechanism to carry out the purposes of the Full Employment Amendments of 1971 on a continuing basis and for other structural and institutional reforms designed to promote the aims of the Employment Act of 1946 relating to maximum employment, production, and purchasing power. Before transmitting these recommendations, the President, through appropriate agencies of the Federal Government, shall conduct a thorough evaluation of (1) past and present experience with income policies both in the United States and elsewhere; (2) the role of structural reforms, including but not limited to, the removal of import restrictions and the reform of Federal procurement and regulatory policy, in promoting greater price stability; and (3) the future prospects for achieving and sustaining full employment with reasonable price stability. The study shall include, under clause (3) of this section, a comparison of prospects for realizing the price and employment goals, with and without price and income guideposts, including an estimate of the time required to reach the price and employment goals. The complete results of the study to be conducted shall be made available to the Congress not later than January 20, 1972. For the purpose of this section, "full employment" means an aggregate unemployment rate no higher than 3 percent, and "reasonable price stability" means an annual rate of increase in the deflator for the Gross National Product of not more than 2 percent.

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By Mr. SCOTT:

S. 1971. A bill to declare a portion of the Delaware River in Philadelphia County, Pa., nonnavigable. Referred to the Committee on Commerce.

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to eliminate a Federal navigational easement at Penn's Landing along the Delaware River in Philadelphia. Today in more and more of America's cities, the long-present image of decaying waterfronts is undergoing a change. Increasingly, State, and local governments are awakening to the fact that its dirty, polluted, rundown, congested harbors need not remain that way but can and must be restored to the places of activity and enjoyment that they once were.

Such a project is underway in Philadelphia in the historic area of Penn's Landing—an area that stretches the length of 1 nautical mile along the Delaware River. Once the center of activities in the Port of Philadelphia, this section of the city's waterfront has since fallen into disuse as its piers and facilities have grown obsolete. Over the past several years, however, the city and the State governments have expended massive amounts of public funds in acquiring the unused cargo piers and in authorizing demolition, dredging, and filling operations in an effort to eliminate the blighted conditions that were exerting a serious negative influence on the adjacent historic city and central business district. The result has been the creation of a strategic development site occupying slightly over 75 acres.

Through the interacting of the public and private sectors of the community, the city of Philadelphia has programed the renewal and rehabilitation of the entire area in a manner that will exploit its unique locational assets in order to transform it into a center that will provide commercial, cultural, educational, and recreational benefits to the citizens of all age groups and all income levels who live in or visit the surrounding metropolitan area. In an effort to restore public identification to the Port of Philadelphia, Penn's Landing creates a people-oriented waterfront environment which will offer its visitors any number of opportunities to become involved in diverse and exciting activities focusing on the geographic and ecological importance of the Delaware River to the quality of life of the entire region. This natural resource will provide the thread that will tie together activities highlighting the international flavor of the port with its import/export activities to those calling forth the historical significance of Penn's Landing as they complement and support existing and evolving activities of the adjoining areas of Society Hill, the national historical area, and the old city areas.

Both these types of activity, recreational, and commercial, address themselves to two important issues of urban centers throughout the country—that of creating a pleasant environment in which to live and that of obtaining the revenues with which such an environment may be realized. By providing for an integration of both types of activity in a variety of forms, Penn's Landing will develop an expanded base for economic returns to both the city and the State. Through the return of either direct or indirect tax revenues, the net benefit in terms of economics is projected well over and above the cost of the public capital expended. At a time when the Nation's cities are in search of funds to allow them to continue providing services to the citizens, this project can only be seen as valuable.

In order to achieve the creation of this type of vital and exciting waterfront activity center, one capable of serving the city's residents as well as regional, national, and international visitors, the investment of private and institutional capital in addition to public funds is imperative. The attraction of such investment will enable the project to develop into a stimulus for increased commercial activity both on the site and throughout the nearby business communities. Development of Penn's Landing has progressed to the point of its marketing program launched this spring. While it is possible at this time to acquaint developers and potential users with the opportunities afforded by Penn's Landing, formal solicitation of development proposals is blocked by the existence of a Federal navigational easement, applicable to the area of Penn's Landing currently occupied by landfill.

The existence of the easement poses two problems. First, because the area is presently classified as a Federal waterway, the city cannot obtain title to the land and, therefore, arrangements for disposition of any portions of the development site to the State or to private developers cannot occur. Second, because potential developers could not possess clear title to the land, they would find it impossible to obtain long-term financing commitments.

Please note that this problem is by no means unique to Philadelphia, but has been faced by many cities, such as New York, San Francisco, and Baltimore, that have sought to improve their waterfronts. As long as this servitude remains, however, developers can have no assur-

ance that improvements made on the site will not be removed should they be considered an obstruction to navigation. such a determination is totally unlikely to occur, however, because the striking of the easement will not in any way reduce the navigable area of the river. In fact, the elimination of the piers which formerly occupied the area has caused an increase of approximately 80 feet in the effective cross section of the river that can be used by boats and ships. This is due to the fact that the former piers extended 550 feet into the river, whereas the land area and embarcadero replacing them extend only 470 feet. Permits for the landfill had been obtained from the U.S. Army Corps of Engineers in 1967. The Corps has been informed of the provisions of this legislation which would eliminate the easement in this area and has taken no exception to it.

Mr. President, this bill has a tremendous amount of community support. As one example, the former executive vice president of the Greater Philadelphia Chamber of Commerce, Thacher Longstreth, indicated to me early last February that unless this bill is passed, the Commonwealth of Pennsylvania:

> Will not be able to market the land to the various organizations which have been selected to develop it. This is because long-term financing will not be available while the title to the land is clouded.

In Mr. Longstreth's letter, he further noted:

> The importance of this tract of land, not only to the citizens of Philadelphia as a recreational resource, but also to the hundreds of thousands of persons who come each year from all over the Nation to visit the historic shrines in and around Independence Hall. Penn's Landing is an important part of this historic area.

Mr. President, I look forward to early and favorable consideration of this legislation which is so essential to Philadelphia's continued development.

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By Mr. MILLER:

S. 1972. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to bargain regarding agricultural products, and for other purposes. Referred to the Committee on Agriculture and Forestry.

NATIONAL AGRICULTURAL BARGAINING BOARD

Mr. MILLER. Mr. President, I send to the desk a bill for the purpose of establishing a National Agricultural Bargaining Board, providing standards for the qualification of associations of producers, defining the mutual obligation of handlers and associations of producers to bargain regarding agricultural products, and for other purposes.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of these remarks, be printed and appropriately referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MILLER. For several years, the prices received by farmers have not kept pace with increases in their costs of production. The resulting cost-price squeeze has had serious economic and social consequences to millions of farmers and their families and to the rural areas of our country. What counts in the farmer's bank account is his net income—not his gross receipts. Inflation has had a staggering impact on his costs of production. The fact that his prices have not kept pace is revealed by statistics showing that 10 years ago 20 percent of the consumer dollar went for food; whereas today less than 17 cents of each consumer dollar goes for food. It is true that food prices are higher, but there are more consumer dollars being spent by the average consumer. Also, the prices to the farmer do not increase by the same amount that prices to the consumer increase in the retail market. There are various middlemen and labor costs which enter into the picture.

Farmers are not comparable to members of labor organizations, because each of them is an independent businessman with his own capital investment. Even tenant farmers often have a substantial investment in machinery. Accordingly, bargaining power for farmers can only be achieved through organizations of producers. More and more farmers have joined such organizations, and these have been helpful. However, the effectiveness of these organizations has been curtailed by limitations on the obligation of handlers to bargain with them—and I use "bargain" in the sense of meaningful negotiations without the danger of being undercut by unfair tactics. I am satisfied that most handlers do not engage in these tactics, but some of them do.

The bill I am introducing today would give producers of farm commodities, through their cooperative organizations, greater ability to obtain fair prices for their products. It would do this generally by requiring handlers to engage in bargaining with associations of producers which meet certain qualifications. The bill would establish in the U.S. Department of Agriculture a National Agricultural Bargaining Board composed of three members. This Board would "qualify" associations of producers which meet certain qualifications designed to assure that the association is producer-owned and controlled, has binding contracts with its members, is financially sound, and represents a sufficient number of producers with respect to a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with handlers.

Handlers would be required to bargain with qualified associations whose producer members have had a prior course of dealing with that handler. The bargaining would cover such items as price, terms of sale, compensation for commodities produced under contract, and other contract provisions. The Board would have the power to bring a complaint against a handler who refused to engage in bargaining with a qualified association of producers, to issue an order requiring the handler to engage in bargaining, and to enforce such orders through the courts.

My bill also follows the milk-marketing order approach which has been helpful to dairymen and also to consumers over the years. It covers all agricultural products. For an agricultural product to be covered, however, there would have to be a referendum by a majority of the producers voting in the referendum. If the majority vote took place, it would require a two-thirds vote to effectuate the marketing order—a requirement which, in my opinion, would be very difficult to obtain in the case of such national commodities as food, and feed grains, cattle, and hogs. However, there are many other crops which could feasibly come under the new bargaining program, and the very least that would happen would be to assure more orderly production and marketing of these crops than often occurs.

For too long, there are too many who fail to recognize that to have a sustained healthy national economy, there must be a healthy economy involving our basic industry of agriculture. My bill is introduced in recognition of this fact of economic life.

EXHIBIT 1

S. 1972

A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to bargain regarding agricultural products, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—AGRICULTURAL MARKETING AND BARGAINING

LEGISLATIVE FINDINGS AND PURPOSE

SEC. 101. The Congress reiterates its finding that, because agricultural products are produced by numerous individuals farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. The Congress further finds that membership by a farmer in a cooperative organization can only be meaningful if a handler of agricultural products is required to bargain in good faith with an agricultural cooperative organization as the representative of its members who have had a previous course of dealing with such handler. The purpose of this title, therefore, is to provide standards for the qualification of agricultural cooperative organizations for bargaining purposes, to define the mutual obligation of handlers and agricultural cooperative organizations to bargain with respect to the production, sale and marketing of agricultural products, and to provide for the enforcement of such obligation.

SHORT TITLE

SEC. 102. This title shall be known and may be cited as the "National Agricultural Marketing and Bargaining Act of 1971."

DEFINITIONS

SEC. 103. When used in this title—

(a) "Qualified association" means an association of producers accredited in accordance with section 105 of this title.

(b) "Association of producers" means any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing as defined in section 15(a) of the Agricultural Marketing Act of 1929, as amended (49 Stat. 317; 12 U.S.C. 1141(a)), or in section 1 of the Act entitled "An Act to authorize association of agricultural producers" approved February 18, 1922 (42 Stat. 388; 7 U.S.C. 291).

(c) "Board" means the National Agricultural Bargaining Board provided for in this title.

(d) "Handler" means any person other than an association of producers engaged in the business or activity of (1) acquiring or receiving agricultural products from producers or associations of producers for processing, grading, packaging, handling, storing, or sale; (2) contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product; or (3) acting as an agent or broker for a handler in the performance of any function or act specified in (1) or (2) above.

(e) "Person" includes one or more individuals, partnerships, corporations and associations.

(f) "Producer" means a person engaged in the production of agricultural products as a farmer, planter, rancher, poultryman, dairyman, fruit, vegetable, or nut grower.

NATIONAL AGRICULTURAL BARGAINING BOARD

SEC. 104. (a) There is hereby established in the Department of Agriculture a National Bargaining Board, which shall administer the provisions of this title.

(b) The Board shall consist of three members who shall be appointed by the President with the advice and consent of the Senate. The original Board shall be composed of one member for a one-year term, one member for a three-year term and one member for a five-year term. The President shall indicate the length of term when making the appointment of the original Board. Thereafter, as the term of each member expires, the President shall, with the advice and consent of the Senate, appoint a successor to serve for a term of five years. Any individual chosen to fill a vacancy caused by other than expiration of the term shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall select one member of the Board to serve as Chairman.

(c) Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office but for no other cause.

(d) A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board. Two members of the Board shall, at all times, constitute a quorum of the Board.

(e) All of the expenses of the Board, including all necessary traveling and subsistence expenses incurred by the members of the Board or the employees of the Board under its orders, shall be allowed and paid in the same manner as payments of such expenses for employees of the Department of Agriculture.

(f) The Board shall have authority from time to time to adopt, amend and rescind, in the manner prescribed by subchapter II, chapter 5 of title 5 of the United States Code, such rules and regulations as may be necessary or appropriate to carry out the provisions of this title.

QUALIFICATION OF ASSOCIATIONS OF PRODUCERS

SEC. 105. (a) Only those associations of producers that have been qualified in accordance with this section shall be entitled to the benefits provided by this title.

(b) An association of producers desiring qualification shall file with the Board a petition for qualification. The petition shall contain such information and be accompanied by such documents as shall be reasonably required by the regulations of the Board to enable it to carry out the purposes of this Act.

(c) The Board shall provide for a public hearing upon such petition. The Board shall qualify such association if, based upon the petition for qualification and the evidence at such hearing, the Board finds—

(1) that the association is directly or indirectly producer-owned and controlled;

(2) the association has contracts with its members that are binding under State law;

(3) the association is financially sound and has adequate resources and management to carry out the purposes for which it was organized;

(4) the association represents a sufficient number of producers with respect to a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with a handler or handlers; and

(5) one of the authorized functions of the association is acting as principal or agent for its producer-members in bargaining with handlers for prices and other terms of contracts with respect to the production, processing, sale or marketing of their product.

(d) After the Board qualifies such association, it shall give notice of such qualification to all known handlers which, in the ordinary course of business, purchase, process, or market the agricultural commodities produced by the members of such association.

(e) A qualified association shall file an annual report with the Board in such form as shall be required by the regulations of the Board. The annual report shall contain such information as will enable the Board to determine whether the association continues to meet the standards for qualification.

(f) If a qualified association ceases to maintain the standards for qualification set forth in subsection (c) of this section the Board shall, after notice and hearing, revoke the qualification of such association.

BARGAINING

SEC. 106. (a) As used in this title, "bargaining" is the mutual action and obligation of a handler and a qualified association to meet at reasonable times and negotiate in good faith with respect to the price, terms of sale, compensation for commodities produced under contract, and other contract provisions with respect to the commodities produced by the members of such association and the execution of a written contract incorporating any agreement reached if requested by either party. Such obligation on the part of any handler shall extend only to a qualified association that represents producers with whom such handler has had a prior course of dealing. Such obligation does not require either party to agree to a proposal or to make a concession.

(b) A handler shall be deemed to have had a prior course of dealing with a producer if such handler has purchased commodities produced by such producer in any one of the preceding three years.

(c) Nothing in this Act shall be deemed to prohibit a qualified association from entering into contracts with handlers to supply the full agricultural production requirements of such handlers.

(d) It shall be unlawful for a handler to negotiate directly or indirectly with other producers of a product with respect to the price, terms of sale, compensation for commodities produced under contract, and other contract provisions relative to such product while negotiating with a qualified association which is able to supply all or most of the requirements of such handler for such product.

(e) It shall be unlawful for a handler to purchase a product from other producers under terms more favorable to such producers than those contained in an existing agreement with a qualified association.

(f) Whenever it is charged that a qualified association or handler refuses to engage in bargaining as that term is defined in subsection (a) of this section, the Board shall investigate such charges. If, upon such investigation, the Board considers that there is reasonable cause to believe that the person charged has refused to engage in bargaining in violation of this Act, the Board shall issue and cause to be served a complaint upon such person. The complaint shall summon the named person to a hearing before the Board or a member thereof at the time and place therein fixed.

(g) The person complained of shall have the right to file an answer to the original and any amended complaint and to appear in person or otherwise at the hearing and give testimony. In the discretion of the Board, or the member conducting the hearing, any person may be allowed to intervene to present testimony. Any hearing shall, insofar as practicable, be conducted in accordance with the rules of evidence applicable under section 556 of title 5, United States Code.

(h) If, upon a preponderance of the evidence, the Board determines that the person complained of has refused to engage in bargaining in violation of this title, it shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to engage in bargaining as that term is defined in subsection (a) of this section and shall order such further affirmative action, including an award of damages, as will effectuate the policies of this title.

(i) If, upon a preponderance of the evidence, the Board is of the opinion that the person complained of has not refused to engage in bargaining in violation of this title, it shall make its findings of fact and issue an order dismissing the complaint.

(j) Until the record in a case has been filed in a court, as hereinafter provided in section 107, the Board may at any time, upon reasonable notice and in such manner as it deems proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

ENFORCEMENT OF ORDERS AND JUDICIAL REVIEW

SEC. 107. (a) The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the refusal to engage in bargaining occurred or wherein the person who engaged in such refusal resides or transacts business, for the enforcement of its orders made under section 106 and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board or the member before whom a hearing was conducted shall be considered by the court unless the court finds that the failure to present such objection should be excused because

of extraordinary circumstances. The findings of the Board with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearings before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, or a member thereof, and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken and it shall file with the court such modified or new findings, which findings with respect to the questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive; and the Board shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive, and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28.

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the refusal to engage in bargaining was alleged to have occurred or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (a) of this section and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. The findings of the Board with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall in like manner be conclusive.

(c) The commencement of proceedings under subsections (a) or (b) of this section shall not stay enforcement of the Board's decision but the Board or the reviewing court may order a stay upon such terms as it deems proper.

MISCELLANEOUS PROVISIONS

SEC. 108. The Board shall at all reasonable times have access to and the right to copy evidence relating to any person or action under investigation by it in connection with any refusal to engage in bargaining. The Board is empowered to administer oaths and to issue subpenas requiring the attendance of witnesses or the production of evidence.

SEC. 109. In case of contumacy or refusal to obey a subpena issued to any person, the district court, upon application by the Board, shall have jurisdiction to order such person to appear before the Board to produce evidence or to give testimony relevant to the matter under investigation, and any failure to obey such order may be punished by the court as a contempt thereof.

SEC. 110. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No individual shall 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, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 111. Complaints, orders, and other processes and papers of the Board may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return of service shall be proof of such service. Witnesses summoned before the Board shall be paid the same fee and mileage allowance that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

SEC. 112. All processes of any court to which an application or petition may be made under this title may be served in the judicial district wherein the person or persons required to be served reside or may be found.

SEC. 113. The provisions of this title are severable and if any provision shall be held unconstitutional or invalid by a court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

SEC. 114. The activities of qualified associations and handlers in bargaining with respect to the price, terms of sale, compensation for commodities produced under contract, or other contract terms relative to agricultural commodities produced by the members of such qualified associations shall be deemed not to violate any antitrust law of the United States. Nothing in this title however, shall be construed to permit handlers to contract, combine or conspire with one another in bargaining with qualified associations.

TITLE II—ASSIGNMENT OF ASSOCIATION FEES

SEC. 201. If any producer voluntarily executes and causes to be delivered to a handler, either as a clause in a sales contract or other instrument in writing, a notice of assignment of dues or fees to a qualified association, by which the handler is directed to deduct a sum from amounts to be paid to such producer and to pay the same over to such association as dues or fees for the producer, then such handler shall comply with said notice.

SEC. 202. An assignment of dues or fees as described in section 201 may not exceed 2 percent of the total value of the product which is delivered by the producer to the handler.

SEC. 203. Payment need not be made under an assignment of dues or fees pursuant to section 201 until the handler has available and under its control funds owing to the producer that are sufficient in amount to make the payment of the amount involved. In the case of an annual product, such payment need not be made until the end of the product year.

TITLE III—MARKETING ORDERS

SEC. 301. The Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, and subsequent legislation, if further amended as follows:

"Section 8c(2) is amended by inserting after the third sentence ending with the words 'Southwest production areas.', the following: 'Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product (except canned or frozen products) thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after a referendum of the affected producers of such commodity the Secretary finds that a majority of such producers favor making such commodity or product thereof, or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however,* that such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of its subsection (2) and for which no special approval or area limitation is specified therein'."

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By Mr. HARTKE (for himself, Mr. SCOTT, Mr. SCHWEIKER, Mr. BAYH, Mr. BROOKE, Mr. BUCKLEY, Mr. CRANSTON, Mr. HART, Mr. HOLLINGS, Mr. HUMPHREY, Mr. KENNEDY, Mr. METCALF, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1973. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THADDEUS KOSCIUSZKO HOME NATIONAL HISTORIC SITE

Mr. HARTKE. Mr. President, it is always gratifying to honor those individuals who have committed themselves to the preservation of freedom and independence in America. The legislation which I am proposing today to establish the Thaddeus Kosciuszko Home National Historic Site in Pennsylvania would properly distinguish such a man.

Thaddeus Kosciuszko, a Polish American who fought in the American Revolution, made substantial contributions to the success of the American struggle for independence. His expertise in constructing fortifications at West Point and Yorktown and his knowledge of military strategy resulted in the historic victory at Yorktown. In addition, Kosciuszko was instrumental in securing similar freedoms for his own people in Poland and worked as a diplomatic emissary to France to insure harmony between two young nations.

A true American patriot, Thaddeus Kosciuszko exhibited those qualities of unselfish dedication to a cause and persevering courage which have remained as the foundation of human freedom.

Mr. President, I am pleased to be joined in sponsoring this legislation by Senators SCOTT, SCHWEIKER, BAYH, BROOKE, BUCK-

LEY, CRANSTON, HART, HOLLINGS, HUMPHREY, KENNEDY, METCALF, MUSKIE, NELSON, PERCY, PROXMIRE, TUNNEY, and WILLIAMS. On my behalf and theirs, I ask unanimous consent that the text of the bill and a brief explanation be printed in the RECORD.

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

S. 1973

A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in order to preserve in public ownership the historically significant property associated with the life of Thaddeus Kosciuszko for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange in accordance with the provisions of 35(b) of the Act of July 25, 1958 (16 U.S.C. 460 1–22 (Supp. V)), the land and interests in land, together with buildings and improvements thereon, located at, or in the vicinity of, 301 Pine Street, Philadelphia, Pennsylvania, together with such other lands and interests in lands, including scenic easements, as the Secretary shall deem necessary for the administration of the area. The Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.

SEC. 2. Pending establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Thaddeus Kosciuszko Home National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

BRIEF EXTENSION

Section 1 of the bill authorizes the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange, the Kosciuszko Home and related lands and improvements thereon located in Philadelphia, Pennsylvania, together with such other lands as the Secretary may deem necessary for administration of the area. The bill also provides that the Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of the Act. Administration of the site, as provided in section 2 of the bill, shall be in accordance with the authorities contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) as amended and supplemented, and the Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

Section 3 of the draft bill authorizes the appropriation of such sums as may be necessary to carry out the purposes of this Act.

By Mr. CURTIS (for himself and Mr. HARRIS):

S.J. Res. 105. A joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups." Referred to the Committee on the Judiciary.

YEAR OF WORLD MINORITY LANGUAGE GROUPS

Mr. CURTIS. Mr. President, there are, around the world, some 2,000 minority tribes that do not have a written language. They comprise an estimated 160 million people.

In the last few decades, great progress has been made in regard to this. This year, the 500th tribe will have been reached not only with a written language but also with translations of great importance.

This work is brought about by dedicated individuals who engage in missionary efforts. They go to a tribe in some remote corner of the world, live with them and learn their language, and then they create for them an alphabet and a written language. As I said, these efforts have reached the 500th tribe.

In connection with this work, there has been created a Summer Institute of Linguistics, where linguistic scholars are trained at the Universities of Oklahoma, North Dakota, Washington, Michigan, Indiana, California, Pennsylvania, Texas, and elsewhere.

Mr. President, this work is of vital importance for the well-being of all the people on earth. It is also of vital importance to the cause of peace and understanding as well as for the betterment of mankind.

Because of the great work that has been done in this regard, and the accomplishments already obtained, a bill has been prepared which I send to the desk on behalf of myself and the distinguished Senator from Oklahoma (Mr. HARRIS). This bill would authorize the President to issue a proclamation designating 1971 as the year of world minority language groups.

## ADDITIONAL COSPONSORS OF BILLS

S. 1528

At the request of Mr. HART, the Senator from Nevada (Mr. CANNON), the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1528, the Wholesome Fish and Fishery Products Act of 1971.

S. 1775

At the request of Mr. CURTIS, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 1775, the National Agricultural Marketing and Bargaining Act.

## ADDITIONAL COSPONSORS OF AMENDMENTS TO THE MILITARY SERVICE ACT

AMENDMENT NO. 68

At the request of Mr. EAGLETON, the Senator from Utah (Mr. MOSS) was added as a cosponsor of amendment No. 68, intended to be proposed to H.R. 6531, to amend the Military Selective Service Act of 1967, and for other purposes.

AMENDMENT NO. 113

At the request of Mr. EAGLETON, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 113, intended to be proposed to the same bill (H.R. 6531).

## ANNOUNCEMENT OF HEARINGS BY DISTRICT COMMITTEE ON NOMINATIONS TO THE DISTRICT OF COLUMBIA CITY COUNCIL

Mr. EAGLETON. Mr. President, I wish to announce that the Senate Committee on the District of Columbia, at 10 a.m. on Wednesday, June 9, 1971, in room 6226 New Senate Office Building, will hold public hearings on the nominations of Margaret A. Haywood, Joseph P. Yeldell, and Henry K. Willard to be members of the District of Columbia City Council. Persons wishing to testify or submit statements on these nominations should notify Robert Harris, staff director of the committee, 6222 New Senate Office Building, by Friday, June 4.

## ANNOUNCEMENT OF HEARINGS BY DISTRICT COMMITTEE ON THE SCHOOL FARE BUS SUBSIDY BILLS (S. 1340 and H.R. 6638)

Mr. EAGLETON. Mr. President, I wish to announce that the Senate Committee on the District of Columbia, at 9 a.m. on Wednesday, June 9, 1971, in room 6226, New Senate Office Building, will hold public hearings on the school fare bus subsidy bills, S. 1340 and H.R. 6638. Persons who wish to testify or submit statements on this legislation should notify Mr. Robert Harris, staff director of the committee, 6222 New Senate Office Building, by Friday, June 4.

## NOTICE OF HEARING IN SOUTH BEND, IND., ON UNEMPLOYMENT AMONG OLDER WORKERS

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging—at the suggestion of Senator RANDOLPH, our chairman of the Subcommittee on Employment and Retirement Incomes—is conducting a study of the effects of widespread unemployment among older workers.

Our first hearing on that subject will take place on June 4, 1971, in South Bend, Ind., at 9 a.m. at the South Bend Public Library, 122 West Wayne Street. Senator VANCE HARTKE will preside.

## ADDITIONAL STATEMENTS

### ANOTHER REASON

Mr. HART. Mr. President, there is more than one reason why this Nation should speed withdrawal of its troops from Vietnam.

Columnist Stewart Alsop, writing in the May 24 edition of Newsweek magazine, cites the growing use of drugs by our men in Vietnam as a compelling reason to withdraw our troops quickly.

Mr. Alsop put his conclusion this way:

The United States has no obligation to continue to field a big non-fighting army in which tens of thousands of young men are becoming heroin addicts. The bulk of that non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

While Mr. Alsop and I might disagree on the extent of our withdrawal, I believe that the drug problem is one more important reason why we should set a date certain and bring all our troops home.

Mr. President, I ask unanimous consent that Mr. Alsop's column be printed in the RECORD.

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

WORSE THAN MYLAI

(By Stewart Alsop)

WASHINGTON.—In addition to the 55,000 Americans who have died in Vietnam, there are now many thousands who might almost as well be dead. For according to a new and authoritative estimate—vividly supported by NEWSWEEK reporters (page 26)—there are between 30,000 and 40,000 servicemen in Vietnam who are heroin users. Most of these men, on return to civilian life, are condemned to a life of crime and an early death.

The horrifying new estimate was provided by the Provost Marshal's office in Saigon to an emissary of the House Foreign Affairs Committee, Rep. Robert Steele of Connecticut. If you think about its real meaning, it is the worst horror to emerge from the war—worse even than My Lai.

According to the estimate, between 10 per cent and 15 per cent of the American troops in Vietnam are on hard drugs—meaning heroin in almost every case. This can only be an estimate, since where heroin is easily available, as it is in Vietnam, it is not hard to conceal an addiction. But the Provost Marshal's estimate is borne out by other evidence, including a study, based on anonymous polling techniques, of addiction in the Americal Division.

SKYROCKETING USE

In this study, 6.4 per cent of those polled admitted taking "heroin or opium," and 5.5 per cent said they took "cocaine." There is virtually no cocaine in Vietnam, and the word is undoubtedly a misnomer for heroin, which the GI's call "skag." This indicates a total of almost 12 per cent on heroin. The figure is very probably low, for two reasons. First, the poll was taken last September, and since then the use of heroin in Vietnam has skyrocketed. Second, even when promised anonymity, a good many GI drug takers undoubtedly play safe and deny that they take drugs.

Moreover, a considerable proportion of the GI addicts are unaware that they are addicts, and some do not even know that they are taking heroin. Among the young draftees in Vietnam, who are the chief victims of the heroin epidemic, there is a widespread belief that the Vietnamese skag is not addictive if it is smoked or "snorted."

In a study of servicemen addicts undergoing voluntary treatment it was found that 51 per cent of those who used heroin smoked it, mixed with tobacco in ordinary cigarettes, 43 per cent snorted (sniffed the powder out of the cupped hand), and only 6 per cent "mainlined," injecting the stuff directly into the veins. The notion that smoking or snorting is not addictive is tragically untrue.

It is especially untrue of "Number Four White," the brand of heroin produced for "the American market" in Burma, Laos and Northern Thailand. ("Number Three Smoking Heroin," produced for the Asian market, is purplish in color.) Number Four White is 94 per cent to 97 per cent pure heroin, compared with 4 per cent to 6 per cent in heroin sold in the U.S.

EASY TO GET

The price in Vietnam varies widely, but it is very much lower than the New York price. Getting the stuff is no trouble at all. Representative Steele let it be known that he might be interested in buying a bag of skag, and in a twenty-minute walk in Saigon he was approached nine times.

Because the stuff is strong, cheap and easy to get, and also because of the myth that smoking or snorting does not cause addiction, there have been cases of young GI's taking leaves where heroin is not easily available—and suddenly suffering, to their own amazement, the horrors of withdrawal. According to the study of servicemen-addicts, their average age is a pathetic 20.5, and their average "length of habit" is only five months.

Secretary of the Army Stanley Resor and Narcotics Bureau director John Ingersoll both flew to Saigon recently to press the Thieu government to curb the heroin traffic. There is no doubt that highly placed Laotians and Vietnamese profit from the traffic, and some disciplinary gestures will doubtless be made. But the gestures can only be palliative—President Thieu can no more effectively control the drug traffic in Saigon than Mayor Lindsay can in New York.

More than gestures are needed. The first thing that has to be done is to deal with the problem of the servicemen who are already addicted, or are in danger of becoming so. Consider the situation of these men. With plenty of strong, cheap heroin available, they have no trouble supporting their habit in Vietnam. When they return to the United States, to support their addiction they will have to mainline, and they will have to find at least $40 a day. For most of them, the only way to get that kind of money is to steal.

Heroin addiction can be detected by urinalysis. It is the clear responsibility of the services to give urine tests to all Vietnam servicemen before returning them to civilian life, and to establish compulsory hospitalization centers to cure those who are still curable. But the cure rate is very low, and thousands of young men who have served in Vietnam are already, in effect, sentenced to a life of crime in the urban jungles.

Something else must also be done. Those young draftees who are the chief victims of the Vietnam heroin traffic must be gotten out of Vietnam as fast as possible. The heroin epidemic, which is a new phenomenon, reflects the erosion of discipline and morale in our forces in Vietnam.

NOTHING TO DO

The American forces in Vietnam no longer have a genuine combat mission, and an army without a combat mission is an army without a real purpose. Of the more than 260,000 American troops now in Vietnam, only about a fifth are combat troops, and their principal mission now is to avoid combat. If you ask at the Pentagon what in heaven's name the other 200,000 are doing, you hear generalities about an "orderly withdrawal," or you are told the answer is secret.

In fact, what most of the 200,000 are doing is virtually nothing, other than going mad with boredom. Under the President's withdrawal program, there will still be around 150,000 noncombat troops in Vietnam next November, still going mad with boredom. Soldiers will choose almost any escape from an army that has lost discipline, morale and purpose, and this has a lot to do with the heroin epidemic.

This country has a profound moral obligation to provide logistic support for the million-man South Vietnamese forces, which have been made pathetically dependent on American support for the defense of their country. But the United States has no obligation to continue to field a big non-fighting army in which tens of thousands of young men are becoming heroin addicts. The bulk of that non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

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### SENIOR CITIZENS MONTH, STATE WHITE HOUSE CONFERENCE ON AGING DAY, SPECIAL RECOGNITION DAY

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the RECORD a proclamation issued by Hon. Robert D. Ray, Governor of the State of Iowa, on April 27, 1971.

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

PROCLAMATION

Whereas, 1971 has been proclaimed by President Nixon as the year in which Older Americans, including Older Iowans, speak out; and

Whereas, the White House Conference on Aging will be held November 28 through December 1, 1971, to develop a more realistic, comprehensive National Policy on Aging; and

Whereas, May 1971 marks the culmination of almost sixteen months of community and state activities in the State White House Conference on Aging to be held May 13; and

Whereas, our Senior Citizens have helped create the communities in which we live, and we are deeply grateful to these leaders who have made Iowa a better place in which to live and retire:

Now, therefore, I, Robert D. Ray, Governor of the State of Iowa, do hereby proclaim the month of May, 1971, as "Senior Citizens Month" and Thursday, May 13, 1971, as "State White House Conference on Aging Day" and Sunday, May 16, 1971, as "Special Recognition Day" for Senior Iowans whose role and activities in their church and community life are vital to our society.

I express my thanks and congratulations to the groups working for these Senior Citizens, and to the Senior Citizens themselves for their many varied and continuing contributions to the life of our state and nation.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 27th day of April in the year of our Lord one thousand nine hundred seventy-one.

ROBERT D. RAY,
*Governor.*

## POW ISSUE MISSTATED

Mr. CHURCH. Mr. President, the POW controversy surrounding the "set a date to end the war" debate swirls around in a circle. The issue is misused; according to Murrey Marder in his column, "The POW's in Political Crossfire," the issue is misstated.

The official U.S. Army history of the Korean war states the case, that through most of the history of war, the "common practice" has been "to exchange all prisoners of war at the end of a conflict." This, too, is true of the Indochina war. Therefore, when President Nixon says he intends to maintain a residual military force in South Vietnam until the North Vietnamese release our men being held as POW's, he places these prisoners in a vicious political circle.

I ask unanimous consent that Mr. Marder's column of May 21 from the Washington Post be printed in the RECORD.

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

A DEBATE OVER DIFFERENT ISSUES: THE POW'S IN POLITCAL CROSSFIRE

(By Murrey Marder)

Each side in the growing political crossfire over the release of American prisoners in the Indochina war claims that history is on its side. They are talking at cross-purposes, however, about different issues: partial exchanges of prisoners vs. total exchanges. But this controversy within a controversy is characteristic of a confusing debate packed with emotion, recrimination—and possibly votes or high political damage in the 1972 election.

In the Senate, a vote is approaching on an amendment to the military draft extension bill, tacking on the recurring proposal to require a total U.S. troop pullout by Dec. 31, 1971. Locked into this approach is the claim, which the Nixon administration adamantly challenges, that setting a withdrawal date provides the only real prospect for gaining the release of prisoners held by North Vietnam.

This week a Republican National Committee publication, "Monday," fired a broadside at Sen. Vance Hartke for what it called his "cruelly misleading" recent testimony before the Senate Foreign Relations Committee.

Hartke accused the Nixon administration of perpetuating "a cruel hoax" in continuing to pretend that there is some other solution to the prisoner of war problem than an agreement to end the war on a fixed date. "In this as in every other war in human history," said Hartke, "prisoners are exchanged when the war is over."

"Wrong," charged the GOP publication. To back up its counter-charge, "Monday" selected portions of a report prepared in the Library of Congress for a House Foreign Affairs Subcommittee to challenge what "Monday" called the "set the date to get the POWs back" line.

The report, the party publication stated, showed numerous cases of POWs being released during time of war" in conflicts extending from the Revolutionary War through World Wars I and II, the Korean war, and the war in Vietnam. However, the GOP account omitted several key facts in the Library of Congress report. The report showed partial releases or exchanges of prisoners while hostilities were under way but with the important notation in the summary that in World War I and since, "for the most part, however, prisoners had to await the end of hostilities before being repatriated."

During the Korean war, for example "Monday" noted that 6,670 North Korean and Chinese Communist prisoners were exchanged for 684 members of United Nations forces, including 149 U.S. military personnel. But it omitted the next sentence in the report: "However, by far the greatest number of POWs, a total of 88,596 to be exact, were not exchanged until after the armistice agreement was signed on July 27, 1953."

What is at issue in the "set the date to get the POWs back" debate is not partial prisoner releases, but a total release. As the official U.S. Army history of the Korean war reports, through most of history the "common practice" was "to exchange all prisoners of war at the end of a conflict," with provisions added in more recent times through international conventions for exchange of sick or wounded prisoners during hostilities.

Secretary of State William P. Rogers acknowledged that during a "Meet the Press" televisioned interview last Sunday. Rogers said he could cite no war in which there had been a general POW release before the end of hostilities. Rogers said, however, "I think this war is a little different. It is *sui generis*."

The POW issue has become so enmeshed in disputed and selected facts that even President Nixon has sometimes mis-spoken the record. Nixon said on March 4 that "there are 1,600 Americans in North Vietnam jails under very difficult circumstances at the present time." This figure, however, mixes up captured and missing in action, and U.S. experts believe a majority of the missing are dead.

Vice President Agnew this week used a more acceptable approximation: "Some 1,650 American military personnel are missing or captured in Indochina. We know that at least 450 of these are captured. The total is probably higher, but how much higher and which men are captured is not known because of the other side's refusal to identify all prisoners."

Defense Department statistics, as of May 1, 1971, listed 1,170 U.S. personnel as missing in action and 460 as prisoners of war for Vietnam, Laos and Cambodia.

The core of administration strategy at this stage, as President Nixon indirectly acknowledged last month when he expanded the U.S. rationale for maintaining forces in South Vietnam, is not how to bargain over prisoner release now. As the President indicated, U.S. policy is based on maintaining some American forces in South Vietnam long enough to give Saigon's government more of "a chance to prevent a Communist takeover."

Beyond that objective, the President said, the United States will maintain "residual" U.S. forces in South Vietnam "until we get our prisoners released." Critics have attacked that portion of the administration's case as illogical, on grounds that North Vietnam would have no reason to retain prisoners after a total U.S. withdrawal from Vietnam.

But administration strategy in fact is not based on a total withdrawal of the U.S. presence from Vietnam. The administration currently plans to retain American power to strike Communist forces from U.S. airbases in Thailand and from aircraft carriers. Even if the United States should decide to forgo that intention, administration plans call for continuing U.S. military and economic aid to South Vietnam for years to come, which would require some U.S. physical presence in the country. The POW release issue, therefore, is only a small portion of the total U.S. objectives, on which emotions feed.

Vice President Agnew on Monday came closer than any U.S. official has so far to acknowledging this crux of the underlying Hanoi-Washington dispute.

"North Vietnam," he said, "thinks that, by holding our men hostages, they can compel the President to cave in to their demands—demands for a United States pullout, abandonment of the present elected government of South Vietnam, an end to all U.S. military activity—in effect to the turning over of South Vietnam to the aggressors."

Whether Hanoi would agree with that formulation or not each side knows what it is competing over is not merely some 400 or 500 U.S. prisoners—despite what the public may think—but larger stakes which each is unready to surrender.

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## AMERICAN ASSURANCES TO EGYPT, DANGER TO MIDDLE EAST PEACE

Mr. RIBICOFF. Mr. President, last week, the distinguished Senator from Indiana issued a statement concerning alleged U.S. Government assurances to President Sadat of Egypt that the United States would ask "no further compromises from Egypt."

I recall the briefing I and a number of my colleagues received from the Secretary of State the end of March. At the time, he gave his own assurances to 67 Members of the Senate that the United States would not insist that Israel accept the principle of total withdrawal from the Sinai as a condition for a final settlement with Egypt. I hope that the recent revelations from Cairo do not indicate there has been a change in this policy.

In his statement, Senator BAYH makes the very valid point that "peace can only come to the Middle East when the parties involved reach an agreement without having a solution imposed upon them." This principle should continue to guide our policies in this region.

I ask unanimous consent that the text of Senator BAYH's statement be printed at this point in the RECORD.

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

STATEMENT BY SENATOR BIRCH BAYH

Press reports of Egyptian President Sadat's address on Thursday to the Egyptian National Assembly raise disturbing new questions about the Nixon administration's Middle East policy. I am referring to President Sadat's demand that the United States "squeeze" the Israeli's—that this country apply pressure to Israel for a complete withdrawal from occupied territories by threatening suspension of military and economic assistance.

I urge the Nixon administration to resist such demands. But I must admit that my confidence in its ability and willingness to do that is shaken by President Sadat's account of his talks with Secretary Rogers. President Sadat says that the Secretary of State assured him that the United States would ask "no further compromises" from Egypt, that the United States government feels that the Egyptians have done all that they can for peace.

I hope that the Administration has not given any such assurances or even hinted that all that remains now is for the Israelis to give in. I would be at a loss to understand how our government could believe it was promoting meaningful negotiation between Egypt and Israel when it tells the Egyptians that they have done all they need to, that they need not be flexible, that they need not negotiate anymore. It not only would be counterproductive for our government to tell either side that it has done enough—but that should hardly be our role to begin with.

Peace can only come to the Middle East when the parties involved reach an agreement without having a solution imposed upon them. And such an agreement will not be reached if the Nixon administration continually puts itself in a position of deciding beforehand what the positions of either side should be.

These reported assurances of the Secretary of State to President Sadat should give the Israeli's—and many of us here—legitimate concern about our role in the Middle East. And that can only make the path to lasting peace more difficult.

## CHARLES CAMPBELL

Mr. TALMADGE. Mr. President, those of us in the Senate who know and have worked with Charles Campbell, formerly administrative assistant to the late Senator Richard Russell, and now administrative assistant to the junior Senator of Georgia (Mr. GAMBRELL) regret very much to learn Mr. Campbell will soon leave Washington to return to Georgia.

During some 5 years that Charles was administrative assistant to my distinguished senior colleague, Mr. Russell, it was my privilege and pleasure to work with him on many varied matters. I have come to know Charles Campbell as a man of impeccable integrity, great ability, and devotion to his duties. He has proven himself to be a valuable senatorial staff member, not only to the late Senator Russell and his successor Senator GAMBRELL, but he is also friend and adviser to other Members of the Senate.

Charles plans to take the Georgia bar exam this summer, and I understand eventually to enter the practice of law in the State of Georgia. I want to take this opportunity to wish Charles well and to thank him for the friendship and assistance he has afforded me.

## FORMER SENATOR DODD'S ENDORSEMENT OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we were all saddened last week to hear of the death of our former colleague Thomas Dodd of Connecticut. In his long career he served in many capacities, not the least of which was his role as a prosecutor at the Nuremberg trials after the Second World War. The Genocide Convention is a direct result of the events that necessitated those trials, and of the principles that were established there. When he testified before the Senate Foreign Relations Committee in 1950 Tom Dodd endorsed the Genocide Convention. It was his opinion that had it been in existence when Hitler first came to power the tragic events of his regime might have been prevented. None of us wish to see another Nuremberg. Let us act now to end the crime of genocide.

Mr. President, I ask unanimous consent that former Senator Dodd's statement be printed in the RECORD.

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

STATEMENT OF THOMAS DODD, MEMBER, SPECIAL COMMITTEE ON PEACE AND LAW THROUGH UNITED NATIONS OF THE AMERICAN BAR ASSOCIATION

Mr. DODD. My name is Thomas Dodd of Hartford, Conn.

I appear primarily as a private citizen, but I am also a member of the American Bar Association special committee on peace and law through United Nations, which was heard here this afternoon through Messrs. Rix, Finch, and Schweppe.

I would like to tell you, sir, that I am a new member of the committee, having been appointed in October. So that I did not participate in the deliberations of the committee or in its recommendation to the bar association, and I have had no opportunity to do so since my appointment to the committee.

I am also, as you will recall, one who served with Justice Jackson as his executive trial counsel at the first major Nuremberg trial, so I have a triple interest in this proposed convention—in my private capacity as a citizen; now a member of the bar association on peace and law, and also as one who had something to do with the proceedings in the first and so-called major trial at Nuremberg. I will not take but a few minutes, because I realize the hour is late and that much has been covered with respect to what I might say, but I would like to point out a few things that occurred to me while I was listening.

Senator MCMAHON. I might add you had a very distinguished record in the Nuremberg trial.

Mr. DODD. Thank you, sir. Because we have mentioned the Nuremberg trial, let me say this: It is a little bit out of place from what I had planned so far as my presentation is concerned.

At Nuremberg, we laid down the doctrine that individuals are responsible for some offenses, such as aggressive warfare. You will recall that there was some hue and cry raised in some places about the application of that doctrine. It always seemed to me that it is the people who make up the government, individual people, and I think the only way that we can effectively do anything in the field of international law is to hold individuals responsible, and as I read this proposal, I note that article 4 I believe it is specifically refers to persons committing genocide or any of the other acts enumerated in article 3 shall be punished, whether they are constitutional rulers, public officials, or private individuals. It doesn't seem to me that there is too much to ask that we move along and implement, so to speak, the Nuremberg doctrine with respect to this Genocide Convention.

CONVENTION ELIMINATES UNCERTAINTY

Parenthetically, let me say it intrigues me a little bit, some of the people who heaved at us at Nuremberg the charge that we were guilty of prosecution on an ex post facto basis are some of the same people who are now in opposition to the ratification of this convention. At least, it occurs to me that they ought to be consistent. I don't concede that there was anything ex post facto in the proceedings at Nuremberg, but assuming for the sake of this side of the thing that there is something to what they have claimed against us. I should suppose that there is something to what they have claimed against us. I should suppose that they would be among the foremost in suggesting that now, in time of peace, we join with the other good-intentioned people of the world in trying to establish a firm basis in law for the prevention of this kind of thing.

Now it has been suggested here, Senator, and I want to emphasize it again, that at Nuremberg, it was not possible for us to punish the defendants for many of the terrible things they did to people in peacetime, things that they were clearly genocidal in character. That is one of the reasons why I am interested in seeing this convention adopted.

WILLING TO SETTLE FOR WHAT WE HAVE

Now I don't suppose that this is perfect; most of the things that fall from the hand of man are not. We are entering into a new field. It fascinates me that the members of the committee upon which I am privileged to serve offer as one of their objections that it does not go far enough, and I am inclined to agree. I wish it included political and economic groups, but I know we can't have everything at once in the nature of international cooperation. I am willing to settle for the good things that we can get, in the hope that later on we will be able to enlarge this field and perhaps get political and economic groups included. But I can't understand opposition, if you are for this thing, opposition that it doesn't go far enough.

MIGHT HAVE DETERRED HITLER

You have been asked what good this would have been against Hitler. I am one of those who believe, after living 18 months over there among the Hitler regime, that had this Genocide Convention been in existence in the early days of the Hitler regime, what happened might not have happened. For one thing, the Nazi state would have stood condemned. Its ministers and ambassadors would not stand in the same position as those of other nations not in violation of a genocidal convention, and great numbers of people inside Germany would have taken heart and might have been more vigorous in their resistance to the regime itself.

You have been asked what can we do about the Russians, who are perhaps and probably doing this same sort of thing behind the iron curtain now. Well, at least we will have the moral influence of the covenant of the convention. Russia in its plan, as I see it, wishes to influence people all over the world. If people all over the world see Russia as a nation which does not subscribe to or adhere to the Genocide Convention, she will be severely affected in her efforts to influence people everywhere, and the forces of good thinking and of right conduct in the world will be immeasurably strengthened.

I am not going to dwell upon the constitutional difficulties. I am one of those who believe with the Solicitor General that there are no insurmountable constitutional difficulties. These kinks can be worked out. I think, furthermore, that the good advice that you and your committee, the Senate, will get from capable constitutional lawyers will help to work that out.

MENTAL HARM

I would like to take just 1 minute to tell you that on this question of mental harm, I know what that means, having heard it from the mouths of people who knew what it meant subjectively. It was an established mechanism of the Nazi state, and it is practiced in other places as well, that the destruction, the disintegration of the human mind was a planned thing. It was one of the worst things that was done probably to individuals by the Nazis, and it is not too difficult for people who want to learn about it to read the records at Nuremberg, and they will have a very clear concept, when they have done so, as to what happens to people under a planned program of destroying their minds. There are all kinds of ways of doing it, and there are many, indeed.

I think we need to adopt this and ratify this convention, because the world needs that moral support. I can't imagine the United States refusing to do so, in a world

that looks to us for moral leadership, and we will give hope to people everywhere in the world if we do ratify it, and I, as an individual, urgently suggest to your committee that it favorably view this ratification proposal.

## BAD POLICY TOWARD GOOD NEIGHBORS

Mr. HARTKE. Mr. President, earlier this year I had occasion to address the Indiana Council of Churches on the subject, problems of economic development in Latin America. In the nearly 3 months since then, my hopes for a more innovative and imaginative policy toward our Latin neighbors on the part of the Nixon administration have not—to put it mildly—been realized.

In the more modest hope of stimulating new consideration of these problems by this body, I ask unanimous consent that the text of my remarks be printed in the RECORD.

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

PROBLEMS OF ECONOMIC DEVELOPMENT IN LATIN AMERICA

(A speech by Senator VANCE HARTKE, Mar. 13, 1971)

It is good to have the opportunity to talk with you today about problems of economic development in Latin America. It is altogether appropriate for the Indiana Council of Churches to concern itself with Latin America's problems. For in a very real and immediate sense, we are all involved in those problems. The vast physical distance between Valparaiso, Indiana, and Valparaiso, Chile, should not obscure the close interdependence of Latin America and the United States. I am especially pleased to see the interest of the Council of Churches in the development of Latin America, for as Robert Kennedy once observed, the aspirations of the Latin American people are only in part material: "Above all, they are demands of the spirit." Unless we are able to cope with the economic needs of Latin America in a way that recognizes its peoples' aspirations for a better life, with justice, dignity, and self-sufficiency, all of our material aid will count for little.

The radical changes which are shaking much of Latin America to its core today are far too serious to ignore. Both the direction of the change and the intensity of its leaders should concern us as North Americans. And I would suggest that the United States should be assigning a much higher priority to the problems facing Latin America. Regardless of how we choose to relegate Latin America to a secondary place in our priorities, to favor a remote and mistaken war in Southeast Asia, we will soon have to pay for that neglect. Our fortunes, our economic life, and our security are all closely tied to the future of Latin America.

Let me talk for a few moments about some of the peculiar aspects that make economic development of Latin America difficult. In spite of the complex variations between the nations of Latin American, there are many common threads and characteristics shared by most of the countries. The weight of the past lies heavy on present-day Latin America and sets enormous barriers in the path of development. Part of the legacy of an almost feudal economic system is a serious inequity in the ownership of land, degrading income levels for a majority of the people, abysmally low achievements in education, and widespread disease and malnutrition. Statistics tell only part of the story, but an important part: only 10 percent of the landowners control 90 percent of all the land; nearly 50 percent of all Latin Americans are illiterate; the per capita income averages about $250 per year; in spite of great progress in public health, the number of children who never reach their fifth year of life is shockingly high (almost 4 times the U.S. rate) in most countries of the region, and the average life expectancy is only 57 years.

As a further example, in comparison using 1966 figures, the World Bank indicated in a recent report the serious disparities in the GNP per capita of the United States and the Latin American area. Opposed to our GNP per capita of $3,520 is Haiti's appallingly low $70. Even the highest GNP in Latin America—that of Venezuela at $850 per capita—clearly shows the great gap between the United States and the Latin American countries in terms of production and economic development.

These statistics are discouraging in themselves, but they do not adequately convey the magnitude of the problems facing the Latin American countries. To such statistics must be added others which further aggravate the difficulty. For example, the Latin American area now has the world's highest birth rate. In many parts of Latin America, the population is increasing at a rate of over 3 percent each year—a rate which would cause a doubling of the population in about 25 years.

Such rapid population growth outruns the ability of Latin American countries to provide necessary support in housing, health facilities, jobs, and education. This population increase presses relentlessly on the area's ability to feed itself—in a number of countries, agricultural production per capita has declined in recent years. All major Latin American cities face urban problems of crisis proportions. As in the United States, the great shift of people from rural to urban areas brought enormous problems with it, and Latin American cities are far more poorly equipped to deal with them.

Although about one-half of the Latin American people still depend on agriculture for a livelihood, many cities of the area have mushroomed in recent years. This growth has reached the point where great cities like Buenos Aires, Montevideo, and Santiago contain nearly one-third of their countries' populations—and completed overshadow the rest of the country.

How did this situation arise? And what are the solutions? Why are so many Latin American countries, as one writer put it, "beggars on golden stools"? Why does the area remain poor and underdeveloped despite the great natural resources it contains? Answers to these questions do not come easily, but we must face up to them. Perhaps more important, we need to attempt to see the problem as Latin Americans perceive it. And we must be tolerant enough to appreciate the values which Latin Americans attach to different solutions.

To begin with, it is probably no exaggeration to state that most Latin Americans believe that the fundamental objective of the United States is the economic domination of the Western Hemisphere. Considering the history of the region, its long colonial subjection to Spain and Portugal, and its dependence upon the industrialized nations of the world, such a view should not be surprising. The economic role of Latin America has always been, and continues to be, essentially one of supplying raw materials and agricultural commodies to the rest of the world—mainly to Western Europe and the United States. Latin Americans protest—justifiably so—that their situation remains a semi-colonial relationship, especially with the United States.

Their dependence upon a limited number of basic commodities which are sold to more developed countries ties their economies closely to those countries and makes them painfully subject to sometimes radical fluctuations in world market prices. The result is a dependent, semi-colonial condition, difficult to escape from economically, frustrating to live with politically.

That frustration leads frequently to violent denunciation of the United States as the principal cause of Latin America's virtual economic slavery. And even a cursory review of our relations with Latin America indicates how that economic dominance has so often led to political control as well.

Need I remind us of our repeated interventions in Cuba, our long domination of the Dominican Republic and Haiti, the frequent incursions into virtually all of Central America, and a long history of attempts to dominate many South American countries? Indeed, we are political innocents if we expect Latin Americans to cast aside their suspicions of us just because we undertake an Alliance for Progress or any number of similar programs.

I think we will better understand the Latin American point of view if we interpret it in the light of Latin America's generally unhappy relationships with the United States.

For the remainder of my time with you, let me examine briefly several of the principal issues in the economic development of Latin America. In doing this, I will attempt to bridge the gap between Latin American and North American thinking on these issues. Serious conflicts of opinion exist on such issues as land reform, market pricing, foreign investments, economic integration, and foreign aid. If the United States expects to develop any kind of lasting and productive partnership with Latin America, we must somehow reconcile the opposing viewpoints on these issues.

I have already alluded to the *Problem of Land Ownership* in Latin America. These inequities provide one of the major causes of unrest and violence in the region—the cry for land dominates revolutionary rhetoric throughout the area. The Mexican Revolution of 1910, the 1952 revolution in Bolivia, the Cuban revolution under Fidel Castro—all the agrarian reform as a major objective. Somehow—because better use of the land is essential to economic development and because land is a symbol of a brighter future for millions of Latin Americans—someway, the United States must make unequivocally clear its full support for equitable agrarian reform in Latin America.

Another sensitive issue to Latin Americans is the *operation of the world market and pricing of its primary products*. As much as any other factor, this appears to Latin Americans as the chief cause of its semi-colonial condition. It is academic and hyprocritical to praise the virtues of a "free market" when in reality the market favors the wealthy nations and discriminates against the poor nations. The Latin Americans' case against adverse terms of trade is a well-founded complaint. It is a fact that the prices received by Latin American countries for their main products—such as coffee, sugar, tin, copper, and petroleum—have not kept up with the prices they pay for manufactured goods. Not only have the terms of trade turned against Latin America, but widely fluctuating prices of primary products make economic planning very difficult.

In addition, the United States has placed restrictive quotas on a number of primary products, and set high tariffs on processed raw materials (such as soluble coffee), seriously impeding trade in the hemisphere. The

United States must be willing to pay a fair price for Latin American raw materials and should insure reasonable stability of such prices by means of intergovernmental agreements on primary products.

A third critical issue is foreign investment in Latin America. Regardless of the strong cases which can be made for the importance of such investment to economic development, foreign capital has earned a black name for itself in the area. American companies in particular epitomize imperialism to many Latin Americans. Foreign enterprise symbolizes extraction, taking away national resources, despoiling the rightful wealth of Latin America.

Regrettably, that image fits many American companies which have been insensitive to the nationalistic fervor in most Latin American countries. It is high time for the Government of the United States to quit treating American corporations in Latin America as extensions of the State Department and giving official support to companies that defy the laws and policies of the Latin American states.

Unless this is made very clear, we can expect an acceleration in the expropriation and nationalization of American companies in the area. The result would damage the economic development of Latin America as well as our own economy.

A fourth subject of conflict is economic integration. One of the principal reasons for underdevelopment in Latin America is the limited scale of domestic markets. Through regional arrangements such as the Central American common market and the Latin American free trade area, tariffs are being gradually reduced and markets expanded.

Although neither of these arrangements provides a panacea for economic problems of the area, much progress has been achieved through them. It is in the long-range interest of the United States to lend its support to such attempts at regional integration, even if the short-run effects may appear undesirable with respect to our export markets.

The post-war rehabilitation of Europe clearly indicates the importance of healthy economies of other nations to the economic vigor of the United States. There is no reason not to expect the same effect from economic development in Latin America.

Many of my remarks to this point have focused on external factors affecting economic development. I do not wish to imply the absence of domestic problems internal to Latin America. Numerous social, economic, and political barriers impede broad-scale development. Factors such as archaic and inequitable tax systems, monopolistic control of key economic sectors, unwillingess to diversify and expand production, and runaway inflation all create serious obstacles to growth. However, I have chosen to emphasize aspects which are more susceptible to external influence than these more domestic factors.

What can be said of future development in Latin America? The events we are witnessing today indicate, above all, a new determination by the Latin Americans to become masters of their own house. The signs of that resolve appear on all sides: for example, the Peruvian expropriation of International Petroleum, Chile's takeover of the copper industry, the Bolivian action against Gulf Oil, and new commercial agreements by many countries with the Soviet Union.

Increasingly, these and similar actions will demand difficult choices by the United States. Change will come, now or later, with us or without us. We do no service to the economic development of Latin America or the national interest of the United States when we simply dismiss these changes as being Communist-inspired we should encourage and promote change which strentghens the autonomy, the economic health, and self-sufficiency of the region.

Toynbee has commented, "revolution is a mettlesome horse. One must either ride it or be trampled to death by it." If we allow vested interests to dominate our policy toward Latin America, we shall surely lose sight of more noble aims. If we truly believe our own rhetoric about self-determination of Nations, we will support genuinely nationalistic struggles in Latin America toward the goal of partnership and a higher quality of life for all the people of the hemisphere.

## THE PRESIDENT'S WELFARE PROGRAM

Mr. RIBICOFF. Mr. President, President Nixon and the House Ways and Means Committee deserve great credit for their long and diligent efforts to reform and improve the welfare system of this country. The bill reported out by the Ways and Means Committee last week and now available for detailed analysis incorporates many of the improvements we proposed in the Senate last year and goes beyond them.

While additional changes are still needed, those favoring welfare reform must now work together to continue the momentum generated by the President and the Ways and Means Committee. There can be no disagreement about the sad state of our welfare system. No one supports it—and it supports no one adequately.

The time has come for America to enact a welfare system designed to eliminate poverty in America by 1976, our Nation's 200th anniversary. Achievement of this goal will truly be a declaration of independence for 25 million Americans now living in poverty.

Passage of H.R. 1, as reported by the House Ways and Means Committee, together with the changes I am suggesting today, will enable us to meet that goal.

Once H.R. 1 is before the Senate for consideration, I will introduce amendments to provide:

First. Assistance for childless couples and those who are single, categories not now covered by H.R. 1.

Second. Increased support under H.R. 1 for those on welfare by cashing out food stamps at an adequate level and requiring State supplementation.

Third. Fiscal relief for State and local governments by gradual Federal assumption of all costs of public assistance with payment levels reflecting regional variations in the cost of living.

Fourth. Greater work incentives by increasing the percentage of income earned that can be retained.

Fifth. Sufficient job training opportunities and actual jobs at the minimum wage for all those able to work.

Sixth. Expanded and enriched day-care programs for mothers entering the working force.

Seventh. Uniform assistance and equitable treatment for all categories of those in need.

As the welfare bill moves through Congress, we must remember that no welfare reform bill by itself will end or substantially reduce the welfare burden in this country. We presently spend less than 1½ percent of our trillion dollar economy on welfare and less than 5 percent of Government spending at all levels. This is a small overhead to pay for the inadequacies and inequities of our system. The millions on welfare are a confession of our society's failures in education, employment, and housing.

Nor should we expect that we will ever get everyone off the welfare rolls simply by imposing stringent work requirements. Not all welfare recipients are able to work. In fact, the vast majority are unable to accept jobs.

In January 1971, 12.9 million people were receiving Federal welfare assistance of some kind. Two million people—15.5 percent—were receiving old-age benefits, over 900,000—7 percent—got disability payments, 80,000—6 percent—were blind, and 7.1 million—55 percent—were children. Only 2.6 million—20 percent—of those on welfare are adult recipients who would be even eligible for work.

Of the estimated 2.6 million possible workers, however, only 500,000 are fathers, and only about one-fifth of these men, 100,000 people, are able-bodied and jobless. The other 2 million are welfare mothers, 60 percent of whom have preschool children and are now exempted from work registration. Of the rest, HEW estimates that, because of factors such as health and education, only 50 percent or 400,000, are actually employable.

In short, only 500,000 of the 12.9 million people on welfare would be employable under present work training requirements.

Nor should we expect that more stringent eligibility requirements will eliminate the supposed "cheaters" on welfare and save us billions of dollars. Figures show that fraud is detected in less than 1 percent of all cases, a figure corresponding to middle-class fraud in areas such as filing income-tax returns.

Ultimately, to save money on welfare we will have to spend money—money to provide a system that opens opportunity for this generation's welfare children to become the next generation's productive citizens. This will require an end to the devastating effects of poverty: Hunger, malnutrition, sickness, poor housing, and inferior education.

The present welfare system only perpetuates this environment of poverty. Forty States now provide cash and food stamp benefits which do not bring families of four even up to the poverty level. Only one-fifth of the States even have standards of need which reach the poverty level and only a handful of these States provide payments which meet their own inadequate standards. Food stamp benefits are set at a level which even the Federal Government describes as nutritionally inadequate.

Our society has fulfilled its promises to millions of Americans and as a result we are a wealthy nation. But as the perquisites of citizenship have increased, so too have our responsibilities to society and

our fellow man. As a nation we can no longer tolerate a system of public assistance which fails to meet the most basic principles of dignity, adequacy, and equity. This is a national problem that requires a national solution.

A number of proposals I advanced last year are already contained in H.R. 1. Included are:

First. Federal administration of all welfare programs;

Second. Provision of public service jobs—sponsored jointly with Senator HARRIS;

Third. Authorization for construction of child-care facilities;

Fourth. Increased Federal financing of assistance programs for the aged, blind, and disabled;

Fifth. A minimum wage for public sector jobs;

Sixth. Prohibition of recovery of overpayments to a recipient where he was not at fault;

Seventh. Simplified application procedures for those eligible for assistance.

I will work for the following additional changes that are needed this year:

COVERAGE FOR CHILDLESS COUPLES AND SINGLE PERSONS

The administration some time ago expressed concern for the forgotten Americans in this country. The forgotten people of H.R. 1 are the 1.8 million persons under 65 in families without children and the 2.3 million single persons who live in poverty but are not eligible for public assistance.

The incidence of poverty reaches the highest levels among persons not connected with a family unit. About 561,000 have no cash income at all. Moreover, it makes no sense to deny assistance to a couple without children and provide $2,000 to a couple with one child.

Childless couples and single persons in need should be covered by any national program of assistance.

INCREASED ASSISTANCE: FOOD STAMP CASH-OUT

The proposed level of assistance, $2,400 for a family of four, while on its face better than last year's $1,600, is still woefully inadequate. In fact, it is $1,500 below the poverty level.

The proposed income level is already surpassed by all but a handful of States. Only about 7 percent of America's welfare recipients would receive higher benefits under H.R. 1. All other recipients, whose cash and food stamp benefits already exceed $2,400, would suffer.

The $2,400 income level is inadequate in another respect. The $800 increase over last year's $1,600 proposal is the cash-out value given to food stamps. Yet it is an inadequate substitute. As a result of the Food Stamp Amendments of 1970, all recipients were required to be provided with food stamps in an amount "determined to be the cost of a nutritionally adequate diet." The Department of Agriculture set an "economy diet" of $108 per month—$1,276 per year—as its guideline while admitting that such a level would not provide adequate nutrition.

Knowing what we do about the vicious cycle of poverty, malnutrition, sickness, and welfare, it would be irresponsible to eliminate our existing food program while providing the poor with an inadequate substitute. The Bureau of the Budget in its 1969 study of cost-benefit ratios relating to hunger and welfare pointed out that it would cost only $457 annually to feed a poor child properly while it would cost the Government $1,516 a year in welfare, hospitalization, and other expenses to care for the child's later ailments if he went unfed.

INCREASED ASSISTANCE: STATE SUPPLEMENTATION

Under the provision of H.R. 1, the States will be relieved of $1.6 billion in welfare expenses in fiscal 1973. As a political gesture the formula is a success, providing relief for every State in the Union. Praise is heard for these cost savings from every interest group except the members of the poverty population whose fate is even bleaker under H.R. 1 than it is under present law.

The ways and means welfare proposal provides for optional State supplementation of the $2,400 up to present State levels. The Federal Government would assume the administrative duties and costs of States which voluntarily chose to make supplementing payments and would guarantee that States would have to pay no more than their calendar year 1971 costs if they decided to supplement.

This provides little incentive to raise benefits to existing State levels. State economic problems are of such magnitude that cutbacks are being made across-the-board in State budgets, welfare programs included. Cost savings will be sought wherever possible. A State could save administrative costs and supplemental payment costs if it chose not to supplement. H.R. 1 would not relieve the pressure on State revenues sufficiently to persuade a State government to plow its savings back into even a reformed welfare system.

At best, optional State supplementation will merely perpetuate the present payment inequities between the States. The States which in the past have virtually ignored the poor would be rewarded by this mandatory ceiling on State expenditures while the States which have made strong efforts to provide adequately for the welfare of all their citizens, even at the cost of severe budgetary strain, would be required to bear their burden for another 5 years.

We must insure that, while State welfare expenses do not go above their 1971 amounts, they continue to equal those amounts pending full Federal assumption of all welfare costs.

FEDERAL ASSUMPTION OF WELFARE COSTS WITH REGIONAL VARIATIONS

Welfare payments should be based on objective and measurable standards of need. This necessitates a recognition that benefit levels should differ according to regional variations in the cost of living. To simply provide $2,400 or $5,500 or $6,500 for everyone ignores this regional variation.

In addition, while we can provide interim relief to recipients by assuring that assistance levels are not cut back for those presently receiving high welfare benefits, an equitable and enduring welfare program should provide full Federal assumption of administration and payments based solely on variable regional needs.

Individual cities and States should not be required to administer or fund this Nation's welfare program. No city or State is responsible for generating their welfare population. If the economy of this country is unable to provide adequate support for its citizens, the Nation as a whole should undertake the responsibility of meeting their needs.

If the initial cost burden is too heavy for the Federal Government, Federal assumption can be phased-in over a number of years. In view of our trillion dollar economy and new census data which indicate that an expenditure of $11.4 billion in 1970 would have raised the income of all poor families and unrelated individuals above the poverty line, the argument that the Federal cost would be unbearable is unconvincing.

By 1976, the Federal Government should be financing America's welfare system at a level that brings all needy Americans up to a poverty-level income.

IMPROVED WORK INCENTIVES

Comprehensive welfare reform must include the working poor. Both President Nixon and the Ways and Means Committee have recognized that full-time employment does not necessarily eliminate poverty. In fact, four out of 10 poor Americans live in families headed by full-time workers.

Coverage of the working poor will eliminate one of the major inequities in present law by making it more worthwhile financially to continue working than to become completely dependent on welfare. As the working income of these families increases, benefits would be phased out according to an "earning disregard" formula.

A careful balance must be struck between maintaining an incentive to work and a full phasing-out of benefits at a reasonable level. H.R. 1 allows the working poor to keep the first $720 of earnings plus one-third of the remainder. Last year I proposed a $720 retention of earnings plus one-half of the remainder which I will offer again this year.

EXPANDED JOB TRAINING PROGRAMS

The family assistance plan as revised by the Ways and Means Committee emphasizes work training requirements and incentives. This is importance since most Americans would prefer to play a productive role in American society rather than to live on welfare. Experience in New York, for example, has shown that 98 percent of the working poor continue working under New York's assistance program for the working poor.

Under H.R. 1, as many as 2½ million welfare recipients would be required to register with the Department of Labor for manpower services, training, and job placement. H.R. 1 would provide training for 225,000 people, 200,000 public service

jobs, and expanded day-care facilities. Federal matching funds for the Department of Labor's work incentive program—WIN—would be increased from 80 to 90 percent to help provide additional work-training services.

Unfortunately, these proposals will accomplish very little. They provide too little money for programs which have never worked. H.R. 1 requires greatly increased registration for job training programs which cannot even accommodate the smaller numbers now required to enroll. In the 2 years of WIN's operation, for example, it has handled a minscule proportion of the eligible AFDC population, in fact, fewer AFDC recipients even than the slots allocated. Less than 20 percent of the enrolled participants got jobs through WIN, for the most part low-paying, dead-end, and short-term positions in the private sector at an average cost per successful WIN participant of about $4,000.

As Finance Committee Chairman RUSSELL LONG pointed out last year, the record of the Department of Labor in administering the WIN program is dismal. Yet we now are proposing to more than double the responsibilities of this program.

If job training programs are to succeed, present programs must be drastically reformed and expanded.

INCREASED SUPPORT FOR PUBLIC SERVICE JOBS

The most effective job training program will be useless if no jobs are available. The provision of 200,000 public service jobs proposed in H.R. 1 is a major improvement over last year's bill.

However, we are deluding ourselves if we believe that this will provide enough jobs for the 2.6 million welfare recipients required to work under H.R. 1. The bill emphasizes private sector employment while discouraging permanent public service jobs through a gradual reduction of Federal funding for public jobs which will supposedly "provide employability development for entry into regular jobs."

There is no logic in providing "employability development" through public jobs for entry into "regular" jobs, when in many cases the public service jobs will provide more meaningful work, better opportunities for advancement, and higher salaries. Moreover, 5 million people are already unemployed and seeking work in the private sector.

By its emphasis on private employment, H.R. 1 adopts the myth that public service jobs are make work, dead end positions while private employment is meaningful. But there is little of a make work quality in urgently needed public service jobs in health, social services, education, environmental protection, rural and urban development, public safety, child care and other local and State services. These are jobs with a future that deserve greater support.

PROVIDING JOBS WITH THE MINIMUM WAGE

H.R. 1 provides two standards for wages—one for the private sector and one for the public sector.

While public service employment would provide jobs at no less than the Federal minimum wage, private sector jobs would be payable at not less than $1.20 an hour, or three-fourths of the Federal minimum wage.

I believe we must settle for no less than the Federal minimum wage for all welfare beneficiaries. There is no more simple and direct way to help the poor than to provide them with at least a minimum wage, thereby increasing the possibility they will be able to live a decent life free from poverty and potential welfare dependence.

In addition, if the minimum wage were increased to at least $2 an hour as has been proposed, 9 million workers presently earning less than that amount could reach the poverty level of income, thereby reducing welfare costs significantly.

IMPROVED DAY CARE PROGRAMS

H.R. 1 promises day care for those required to accept work training and jobs. But it cannot fulfill that promise.

The basic Federal day care programs for the poor provided services for 250,000 children in 1970. No more than 700,000 day care slots exist throughout the Nation for families of all incomes. Yet the Department of Health, Education, and Welfare estimates that 1,262,400 children between the ages of 3 and 6 will need day care if H.R. 1 is passed.

HEW estimates that such day care will cost $1,600 per child while the National Day Care and Child Development Council estimates the cost at $2,000 per child. Under the HEW figures, adequate day care would cost over $2 billion. Yet H.R. 1 provides less than half that amount for child care services, inadequate for even simple custodial day care service.

Countless studies by experts such as Jerome Bruner have indicated that the first 5 years of a child's life are the most important in his development. They show that young children need intense, individualized care for proper emotional, social, and intellectual development.

If a mother is not available to provide this attention, day care must act as a surrogate mother to provide a learning environment, adequate medical care, nutrition, and social, mental and psychological services.

We are not even in a position to provide adequate day care facilities for welfare children over the age of 6, much less over the age of 3. The day care program under WIN, for example, has been described by the Department of Labor as the most serious single barrier to the success of the work incentive program. The 2-year grace period requiring work only of mothers with children over age 6 will not provide a sufficient opportunity to develop a quality national day care program.

We must provide the funds necessary to insure adequate day care for all those in need and we must not require mothers with children to enter job training unless adequate day care facilities are available.

PROVIDING UNIFORM ASSISTANCE AND EQUITABLE TREATMENT FOR ALL RECIPIENTS OF PUBLIC ASSISTANCE

Our welfare system should provide the same assistance for all those in need, whether they qualify under the adult categories or other provisions of the law. H.R. 1, however, perpetuates a double standard of assistance; one for the aged, blind, and disabled, and another for other welfare recipients.

For example:

As already discussed, under the adult categories, aged, blind or disabled single individuals and couples with and without children are eligible. The family assistance plan provides nothing for single people and childless couples.

Benefit levels in the adult categories approach or surpass the poverty level. Family assistance does not come within $1,000 of the poverty level.

Benefits in the adult categories for single individuals would be set at a level increasing from $1,560 to $1,800. Under family assistance, benefits are set at only $800 each for the first two-family members, $400 for the next three-family members, and declining amounts for remaining members. Those about whom we should be most concerned—children whose futures can be influenced by adequate aid—receive the least assistance.

For couples in the adult categories, benefits would be set between $2,340 and $2,400. Yet $2,400 would have to be spread among four people under the family assistance plan, including those in their growth years for whom adequate nutrition is indispensable.

The "earnings disregard" for blind and disabled benefit recipients is $85 per month plus one-half of earnings above that level. The aged and families with children can disregard only $60 plus one-third.

An automatic cost-of-living benefit escalator is provided for social security beneficiaries. No such provision is included in the family assistance plan. In fact, the program would be frozen at present levels for the next 5 years.

We should recognize objective differences in the needs of different types of welfare recipients, but insure a statutory framework that provides adequately and humanely for all those in need in this country.

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## EXCESSIVE SPENDING FOR INTER-AMERICAN DEVELOPMENT BANK ANNUAL MEETING

Mr. PROXMIRE. Mr. President, information provided me clearly shows that the Board of Governors of the Inter-American Development Bank spent exorbitant sums in connection with their 1970 and 1971 annual meetings.

I received the information as chairman of the Subcommittee on Foreign Operations of the Senate Appropriations Committee which has jurisdiction over requests for U.S. subscriptions to the Inter-American Development Bank's capital and special fund.

There are only 23 members of the Bank's Board of Governors. But the Bank spent $332,000 in 1970 and $345,000 in 1971 for travel and expenses for themselves and their international entourage to 5-day meetings in Punta del Este, Uruguay, and Lima, Peru, respectively.

The list of directors, alternates, personal secretaries, managers, administrators, coordinators, editors, supervisors, accountants, receptionists, and information specialists flown to the meeting is so extensive it is amazing the Board did not attempt to emulate Gilbert and Sullivan and fly in their sisters and their cousins

and their aunts as well. Altogether the Bank flew in 175 people in 1970 and 134 people in 1971 to attend or staff the meetings.

Among the more questionable expenditures were $39,000 for "representation" in 1971, and $38,000 in 1970 and $51,500 in 1971 for per diem services of locally hired personnel recruited "to assist in providing administrative services." Transportation of documents cost $34,000 in 1970 and $28,900 in 1971.

The purpose of the Inter-American Development Bank is to help the poor and the weak in the underdeveloped areas of the Western Hemisphere to pull themselves up by their bootstraps. Last year U.S. taxpayers were asked to provide $487 million in capital subscriptions and special funds for its operations. In the next 2 years the administration will request an additional $436 million. Not all of this is a direct charge on the Treasury, but some of it is in the form of callable capital.

It is not necessary that officials of organizations which are financed by public subscription and whose purposes are to raise the standard of living of the poor should be required to wear sackcloth and ashes. But they should live and travel simply and economically when on the public's business.

Unless this is done, officials—especially international officials—soon lose touch with the daily difficulties of those they are appointed to help. This may in fact explain the very small proportion of the Inter-American Development Bank's loans going for housing and education—none from its ordinary capital operations and only 13 percent from its special fund—and the very high proportion—73 percent of its loans from ordinary capital and 36 percent from its special fund—which go for big projects such as highways, powerplants, industry, and mining.

In both the nature of its loans and the expenditures for its annual meetings, the Bank could become more discriminating in its judgment about what activities are important and what programs should have higher priority.

I ask unanimous consent that factual information provided to the committee concerning the meetings with respect both to the costs involved and the personnel who attended be printed at this point in the RECORD.

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

INTER-AMERICAN DEVELOPMENT BANK, BOARD OF GOVERNOR'S MEETINGS, 1970 AND 1971

| Expense item | Punta del Este, Apr. 19–23, 1970 | Lima, Peru, May 10–14, 1971 |
|---|---|---|
| Travel | $198,000 | $170,024 |
| Local personnel | 38,000 | 51,500 |
| Publications | 6,000 | 6,000 |
| Supplies and equipment | 23,000 | 17,000 |
| Space rental | 19,000 | 21,000 |
| Transportation of documents | 34,000 | 28,900 |
| Miscellaneous | 14,000 | 12,376 |
| Representation | NA | 39,000 |
| Total | 332,000 | 345,800 |

NA—Not available.

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INTER-AMERICAN DEVELOPMENT BANK, 12TH ANNUAL MEETING OF THE BOARD OF GOVERNORS, IDB DELEGATION

(Total members: 68 persons)

EXECUTIVE DIRECTORS AND ALTERNATES

Raul Barbosa, Federico A. Intriago.
Lempira E. Bonilla, José Luís Montiel.
Henry J. Costanzo, Reuben Sternfeld.
Enrique E. Folcini, Armando Prugue.
Jesún Rodríguez y Rodríquez, Eduardo McCullough.
Ildegar Pérez-Segnini, Enrique Peñalosa Camargo.
Julio C. Gutiérrez, Guido Valle Antelo.
Secretary, Nelly Regis Da Silva.
Secretary, Ana Patricia Lara.
Secretary, Alma Malpica.
Secretary, Olga Pérez.
Secretary, Sally Strain.
Secretary, Ana María Abad.
Secretary, Berta Edgar.

GROUP OF CONTROLLERS OF THE REVIEW AND EVALUATION SYSTEM

Coordinator, Edmond J. Rouhana.

BANK MANAGEMENT: OFFICE OF THE PRESIDENT AND EXECUTIVE VICE PRESIDENT

President, Antonio Ortíz Mena.
Assistant, Alfredo Guitérrez.
Assistant, Alfonso Moscoso.
Secretary, Gladys De León.
Secretary, Martha E. Garrido.
Executive Vice President, T. Graydon Upton.
Assistant, Emil Weinberg.
Secretary, Panela Gibson.
Special Consultant, Office of the Program Advisor, Eduadro Figueroa.
Assistant, Integration Advisor, R. Alberto Calvo.

OPERATIONS DEPARTMENT

Operations Manager, João Oliveira Santos.
Secretary, María Cristina Arredondo.
Secretary, Elsa Ramos.
Deputy Manager for Loans, Guillermo Moore.
Secretary, Dulce M. Castilla.
Loan Divisions:
Director Zone I, Manuel Valderrama.
Director Zone II, Paul J. Colcaire.
Chief Area 6, Jorge D. Ferraris.
Deputy Manager for Project Analysis, James A. Lynn.
Deputy Manager for Loan Administration, Alfredo E. Hernández.
Secretary, Magdalena Wilson.
Loan Administration Divisions:
Director Zone II, Luís Buitrago.
Director Zone III, Freeborn G. Jewett, Jr.
Consultant, Christián Canta Cruz.

FINANCE DEPARTMENT

Financial Manager, Merlyn N. Trued.
Treasurer, José Epstein.
Secretary, Elia Garcia.

TECHNICAL DEPARTMENT

Technical Manager, Cecilio J. Morales.
Secretary, María Helene Theard.
Deputy Technical Manager, Pedro Irañeta.
Director, Technical Assistance Division, Beatríz R. Harretche.
Director, INTAL (Buenos Aires, Argentina), Felipe Tami.

LEGAL DEPARTMENT

General Counsel, Elting Arnold.
Secretary, Nilcea Muñiz.
Assistant General Counsel, Arnold H. Weiss.
Secretary, Eugenia Valero.

ADMINISTRATIVE DEPARTMENT

Administrative Manager, Alfonso Grados.
Secretary, Graciela Márquez.

ADVISORS

Program Advisors, Alfred C. Wolf.
Integration Advisor, José C. Cardenas.
Secretary, María Isabel la Torre.

REPRESENTATIONS

Special Representative in Europe, Enrique Pérez Cisneros.

ROUND TABLE

Narrator, Ann Kieswetter.
Assistant, Jacqueline Meyer.
Secretary, Rosa Seemann.
Narrator, Milic Kybal.

INTER-AMERICAN DEVELOPMENT BANK, 12TH ANNUAL MEETING OF THE BOARD OF GOVERNORS, STAFF OF THE BANK THAT FORM PART OF THE SECRETARIAT OF THE MEETING; TOTAL: 66 STAFF MEMBERS

I. SECRETARIAT DEPARTMENT

Secretary of the Bank, Jorge Hazera.
Secretary, Margarita Córdova.
Deputy Secretary of the Bank, Arturo Calventi.
Secretary, Yolanda Vigil.
Coordinator, Jaime Espinosa.
Secretary, Sylvia Larrad.
Protocol Officer, Julio Jara.
Secretary, Laura Macedo.

II. DOCUMENTS AND SESSIONS SECTION

Secretary, Esther Kronberger.
Assistant, Hector Yanez.

*1. Sessions section*

Sessions Officer, Luís Guardia.
Secretary, Ana María Mendizbal.

*2. Documents section*

Documents Officer, Kathryn Hiehle.
Documents Assistant, Maria del Socorro Sierra.
Documents Assistant, Tula Amas.
Typing Supervisor, Marcela Houser.
Typing Supervisor, Leonor Fuentes.
Typist, Morella Cabral.
Typist, Maria Isabel Rojas.
Typist, Vera Lawrence.
Typist, Maria Fenibar Ayala.
Typist, Angélica Rondón.
Portuguese Proofreader, Hilda Antunez.
Typist, Lycia Cunha.

*3. Translation and Interpretation Section*

Translation Officer, Fernando Hazera.
Deputy Translation Officer, Frank L. Massana.
Secretary, Doris Eleta.
English Translator, Julio Juncal.
English Editor Reviewer, Ruth Morales.
Portuguese Editor Reviewer, Elisa Kiehl.
Interpreter Supervisor, Ana Maria Pagés.
Portuguese Interpreter, Waldemar Lenson.
English Interpretor, Aurelio Narganes.
Portuguese Translator, Carmen Gomes.

III. SPECIAL SERVICES OFFICE

Chief, Angel Pola.
Secretary, Violeta Davila.
Housing Officer, Jorge Ochoa.
Reception Officer, Alvaro Chaves.

IV. REGISTER OFFICE

Chief, Victoria Bauza.
Register Assistant, Maria Rosa Garayalde.
Register Assistant, Alicia Zito.
Register Assistant, Martha Maldonado.
Register Assistant, Isabel Lama.
Register Assistant, Maria Luisa Figueroa.

V. SERVICES ADMINISTRATION

Chief, Robert A. Conrads.
Secretary, Esther C. Ramos.
Deputy Chief, Walter White.
Secretary, Edna Migliazzo.
Special Assistant, Janet Mischler.
Assistant, Carmen Betz.

*1. Installation section*

Officer, Hernando Valdez.
Supervisor, Anthony Tobias.

*2. Communications section*

Officer, Carlos Merino.

*3. Graphics section*

Officer, Rafael Cervantes.
Assistant, Aldo Zito.
Assistant, Carlos Heraud.

VI. PERSONNEL SECTION

Chief, Lucrecia Navarrete.
Bilingual Secretary, Marilia Braga Machado.

VII. ACCOUNTING SECTION

Chief, Frank Scott.
Chief, Luis Solórzano.

VIII. INFORMATION SECTION

Chief, Joaquín E. Meyer.
Secretary, Cecilia Grimaldo.
Deputy Chief, Joseph U. Hinshaw.
Secretary, María Isabel Marchena.
Press Assistant, Antonio Velázquez.
Audio-visual Services Assistant, Mario Traverso.

## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

## THE MILITARY SELECTIVE SERVICE ACT

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill, H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, regarding the pending business, the bill from the Armed Services Committee which proposes the extension of the Selective Service Act, there are two amendments pending as to which the time for a vote has been agreed upon. The first is the Hatfield amendment, as to which we were in the unusual situation, last week, of having agreed to vote on an amendment that had really not been officially presented. But the Senator from Oregon gave us the substance of his amendment, and it was largely the same in substance as one we had pased on in connection with another bill last year.

Controlled time on the Hatfield amendment does not begin until tomorrow morning at 10 o'clock. Representing the committee, I am here and ready to argue that amendment as well as the Schweiker amendment, which follows the Hatfield amendment, and if those gentlemen wish to argue the matter today, I shall be glad to wait and let them go first, and will be here to respond for the committee. But if, instead, they wish to start tomorrow when the controlled time begins, that will be all right with me also.

I appreciate the valiant efforts of the acting majority leader and the assistant minority leader in managing to be here. I shall be ready to respond at any time anything develops in debate, as I have stated.

Mr. MOSS. Mr. President, if the Senator will yield, I, too, wish to note the fact that the Senator from Mississippi is here and is prepared to discuss the amendments. It does not appear that either of the Senators proposing the amendments in question, Senator HATFIELD and Senator SCHWEIKER, are present to discuss them today. As the able Senator from Mississippi has pointed out, time begins to run specifically at a given time tomorrow. Therefore, if the Senator from Oregon and the Senator from Pennsylvania wish to limit themselves to that length of time, of course, that is their prerogative and their decision to make; but they have had an opportunity today to be here, with the Senate in session.

It does not appear that we will have a very long session today. There are other Senator present, and, of course, they may have something they would like to say, but I think it appropriate to indicate that it is likely we will not have a very long session today.

Mr. GRAVEL. Mr. President, if the Senator will yield briefly?

Mr. MOSS. I yield to the distinguished Senator form Alaska.

Mr. GRAVEL. Like the distinguished chairman of the committee, the Senator from Mississippi, I should like to state that I, too, am present and would be willing to debate at great length either the Schweiker amendment, for which I shall not vote, or the so-called zero amendment of the Senator from Oregon (Mr. HATFIELD), which I believe has not yet been submitted; so we do not even have a printed copy at this point. I am sure my colleague from Utah understands the difficulty in which that places both of us, in attempting to argue for or against the matter in that regard.

But, as I have stated, I would certainly be willing to engage in colloquy for the remainder of the day with my colleague from Mississippi, though it might be of doubtful value, since I think we would be talking in an empty Chamber.

The point at issue is that not many of our fellow Senators are here who wish to engage in discussing this matter today. But I would like the RECORD to show that, together with the distinguished Chairman of the Armed Services Committee, I am here and prepared to offer a lengthy speech, if need be, and to engage in the necessary colloquy to go with it.

Mr. STENNIS. I thank the Senator from Alaska for being on hand and well prepared.

Mr. President, I should like to state, with reference to agreeing to vote on an amendment that had not been filed, that I think the RECORD will show that the Senator from Mississippi outlined at the time his understanding of what that amendment would provide; so the RECORD did show the substance of the amendment for the information of all Senators and others, and also afforded a certain protection to the Senate, in that the amendment, when actually filed, could not go beyond the areas outlined at the time as to what we were agreeing about—at least I think we cannot afford to set the precedent of accepting an open ended threat by agreeing to limit debate on an amendment we do not know something about.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Mississippi yield for a brief comment?

Mr. STENNIS. I yield to the distinguished assistant Republican leader.

Mr. GRIFFIN. I have, of course, listened to these comments. The chairman of the committee, the distinguished Senator from Mississippi, did point out that the so-called Hatfield amendment does not become the pending business until 10 o'clock tomorrow morning. Of course, other Senators on either side of the issues before the Senate would have an opportunity today, if they wished, to address the Senate. I have made a number of telephone calls; I might say that I hope the distinguished acting majority leader will be willing to ask for a quorum call when we have finished this colloquy, so that I may have a little more time to find out whether some of the Senators who I know are interested in this question may wish to come over. Within a short period of time, I think I can give the acting majority leader some indication as to that.

Mr. MOSS. If the Senator will yield, I would respond by saying that we will, of course, provide some additional time so as to make sure that we have touched all the bases; but once we have touched them all, there would be no point in remaining in session.

Mr. GRIFFIN. I understand.

Mr. STENNIS. I thank the Senator. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Chair is now informed that the amendment offered by the Senator from Oregon (Mr. HATFIELD) has been filed and printed.

Mr. MOSS. I am pleased to have that information. It is a printed amendment?

The PRESIDENT pro tempore. It is a printed amendment, yes.

## QUORUM CALL

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT TO 9 A.M. AND FOR RECOGNITION OF SENATORS TUNNEY AND HART TOMORROW

Mr. MOSS. Mr. President, under the previous order, the Senate was to convene at 9:30 a.m. tomorrow morning.

I ask unanimous consent to amend that order, to provide, instead, for the Senate to convene at 9 a.m. tomorrow and that the Senator from California (Mr. TUNNEY) and the Senator from Michigan (Mr. HART) be recognized to conduct a colloquy, which may include

other Senators, for not to exceed 30 minutes.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Wednesday, June 2, is as follows:

The Senate will convene at 9 a.m.

Immediately following the recognition of the two leaders under the standing order, the junior Senator from California (Mr. TUNNEY) will be recognized for not to exceed 15 minutes, to be followed by the senior Senator from Michigan (Mr. HART) for not to exceed 15 minutes, to be followed by the senior Senator from Virginia (Mr. BYRD) for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with a 3-minute limitation on speeches therein.

At 10 a.m., the unfinished business will be laid before the Senate, the Hatfield amendment will be called up, and time thereon will be controlled. At 3 p.m., the resolution pertaining to the reorganization plan will be laid before the Senate and debate will follow until 5 o'clock p.m., with the 2 hours controlled. At 5 p.m., the reorganization plan will be laid aside, and the Senate will resume consideration of the unfinished business.

The vote on the reorganization plan will occur at 11 a.m., Thursday, and it will be a rollcall vote.

## ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MOSS. Mr. President, under the previous order, as amended, the Senate will convene at 9 a.m. tomorrow morning and I therefore move, if there be no further business to come before the Senate, that it adjourn until tomorrow at 9 a.m.

The motion was agreed to; and (at 1 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, June 2, 1971, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 1, 1971:

### U.S. TARIFF COMMISSION

Catherine May Bedell, of Washington, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1974, vice Chester L. Mize.

### ENVIRONMENTAL PROTECTION AGENCY

David D. Dominick, of Wyoming, to be an Assistant Administrator of the Environmental Protection Agency; (new position).

### DIPLOMATIC AND FOREIGN SERVICE

Charles J. Nelson, of the District of Columbia, a Foreign Service Reserve officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana, to the Kingdom of Lesotho, and to the Kingdom of Swaziland.

### U.S. CIRCUIT COURTS

Roy L. Stephenson, of Iowa, to be a U.S. circuit Judge, eighth circuit, vice Martin D. Van Oosterhout, retiring.

### U.S. PATENT OFFICE

John Stevens Lieb, of Wisconsin, to be an Examiner-in-Chief, U.S. Patent Office, vice Louis F. Kreek, resigned.

### COMMUNICATIONS SATELLITE CORPORATION

Frederic G. Donner, of New York, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1974; (reappointment).

### IN THE ARMY

The following-named officer for appointment as professor of mechanics, U.S. Military Academy, under the provisions of title 10, United States Code, sections 3075, 3205, and 4333:

Wilson, Robert M., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

*To be lieutenant colonel*

Pinto, Ralph D., [redacted].

*To be captain*

Brookshire, Robert F., III, [redacted].
Clearwater, Robert M., [redacted].
David, James R., [redacted].
Egersdorfer, Rudolf H., [redacted].
Harris Harold E., [redacted].
Howard, Freeman I., [redacted].
Jacunski, George G., [redacted].
Kramer, James S., [redacted].
Mayer, Haldane R., [redacted].
McRae, Wilton D., [redacted].
McWatters, Jack W., [redacted].
Morrison, Fred K., [redacted].
Murray, Charles A., [redacted].

*To be first lieutenant*

Bangasser, Hugh F., [redacted].
Baxley, John B., Jr., [redacted].
Brown, Frederick B., [redacted].
Casull, Brian H., [redacted].
Cheek, Jack W., [redacted].
Clark, Jeffrey R., [redacted].
Clemons, Donald E., [redacted].
Cohen, Michael A., [redacted].
Coupe, Dennis F., [redacted].
Cramer, William B., [redacted].
Crow, Patrick F., [redacted].
Deas, Bernard W., Jr., [redacted].
Eak, Gerald J., [redacted].
Finlaysen, Robert M., [redacted].
Franks, Robert G., [redacted].
Friend, Gary G., [redacted].
Fulbruge, Charles R., II, [redacted].
Harmon, James D., Jr., [redacted].
Hart, John M., Jr., [redacted].
Hudson, David E., [redacted].
Jeffress, Walton M., Jr., [redacted].
Jones, Bradley K., [redacted].
Lederer, Fredric I., [redacted].
Lewis, Paul W., [redacted].
Lincoln, Arthur F., Jr., [redacted].
Sheppard, Paul R., [redacted].
Smalkin, Frederic N., [redacted].
Smith, Jeffrey H., [redacted].
Stohner, George A., [redacted].
Valentine, James I., Jr., [redacted].
Varga, Stephen G., [redacted].
Varnado, Jimmie W., [redacted].
Varo, Gregory O., [redacted].
Walker, Robert A., [redacted].
Wallace, John K., III, [redacted].
Walters, Michael J., [redacted].
Walton, George R., [redacted].
Wilks, Riggs L., Jr., [redacted].
Zucker, David C., [redacted].
Willis, John T., [redacted].

*To be second lieutenant*

Williams, Barry O., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

*To be major*

Anderson, Loren T., [redacted].
Aton, James K., [redacted].
Bauchspies, Robert W., [redacted].
Bentley, William R., [redacted].
Courtney, Clemon G., [redacted].
D'Ambrosio, Umberto, [redacted].
De Ponte, Joseph P., [redacted].
Doyle, Thomas M., [redacted].
Franklin, Wallace H., Jr., [redacted].
Gale, Paul B., [redacted].
Girone, Gerard M., [redacted].
Gowaski, Patrick J., [redacted].
Graham, Tasman L., [redacted].
Kistler, John S., [redacted].
Matthews, John G., [redacted].
McKeever, Francis L., [redacted].
Patterson, Joseph R., [redacted].
Powell, Buell R., [redacted].
Thompson, Jack C., [redacted].
Waldrop, Chumley W., [redacted].
Walker, George J., [redacted].
Williamson, Harold G., [redacted].

*To be captain*

Aceto, Vincent R., [redacted].
Anderson, Robert W., [redacted].
Baker, David C., [redacted].
Barfield, John R., [redacted].
Braddock, Anthony J., [redacted].
Breault, Edna T., [redacted].
Brown, Donald E., [redacted].
Brown, John R., [redacted].
Burden, Ollie D., [redacted].
Caruso, Louis H., [redacted].
Cavallo, Charles A., [redacted].
Cohen, Joel, [redacted].
Costa, Robert A., [redacted].
Creek, Raymond S., [redacted].
Daher, George D., [redacted].
Daniel, James M., [redacted].
Dennis, Harold B., [redacted].
Earley, Neal E., [redacted].
Ferner, Richard D., [redacted].
Fletcher, Ella L., [redacted].
Gay, William D., [redacted].
Gill, Thomas M., [redacted].
Griswold, Franklin D., [redacted].
Hacker, Larry M., [redacted].
Herring, Charles L., [redacted].
Hibbs, Carroll M., [redacted].
High, Roy S., [redacted].
Hudson, Andrew J., Jr., [redacted].
Hula, Roger P., II, [redacted].
Jackson, William L., [redacted].
Jones, Richard G., [redacted].
Kern, Robert W., [redacted].
King, Daniel J., [redacted].
La Fond, Clovis O., [redacted].
Landrum, Sidney E., [redacted].
La Rue, John R., Jr., [redacted].
Leahy, Robert E., [redacted].
Maclellan, Norman, [redacted].
Mader, Carson L., [redacted].
Martinez, Fernando, [redacted].
McGillen, John L., Jr., [redacted].
McLeod, Charles G., [redacted].
McQuestion, John R., [redacted].
Mercer, Richard R., [redacted].
Milliner, James E., [redacted].
Minkinow, Stanley, [redacted].
Moore, John P., [redacted].
Nielson, Kenneth G., [redacted].
O'Neil, John F., [redacted].
Porter, Robert W., [redacted].
Ray, Webster D., [redacted].
Roberts, William F., [redacted].
Shade, William L., [redacted].
Sherwood, Robert W., [redacted].
Simpson, Daniel H., [redacted].
Sisson, David J., [redacted].
Slone, Charles W., [redacted].
Stamm, Richard L., [redacted].
Stanford, Harold D., [redacted].
Taylor, Robert E., [redacted].
Uribe, Jorge I., [redacted].
Valdez, Robert, [redacted].
Vorhies, Maurice E., [redacted].
Warren, Robert J., [redacted].
Watson, Gary R., [redacted].
Willis, Mitchell H., [redacted].
Woytek, Arthur H., [redacted].
Yates, Carl W., [redacted].

*To be first lieutenant*

Allen, Michael D., [redacted].
Ankerson, Diane N., [redacted].
Bentley, Aubrey L., [redacted].
Beringer, George R., [redacted].
Caron, Paul L., [redacted].

Demoor, Maurice A., [redacted]
Fortin, Robert A., [redacted]
Evans, Joseph B., [redacted]
Adams, Gearl V., [redacted]
Alexander, Lynn P., [redacted]
Anderson, Charles V., [redacted]
Anderson, Kenneth W., [redacted]
Archer, David M., [redacted]
Bacon, John E., Jr., [redacted]
Baird, Robert D., [redacted]
Barber, Preston W., [redacted]
Baysinger, Douglas M., [redacted]
Beckman, Herbert D., [redacted]
Beegle, Charles L., [redacted]
Berglund, Barry A., [redacted]
Blanchard, Sherman J., [redacted]
Boyer, Harry R., [redacted]
Brown, Connie A., [redacted]
Bryan, Larry E., [redacted]
Bunton, William E., [redacted]
Burnam, Ronald E., [redacted]
Callis, Robert T., [redacted]
Campbell, Lannis E., Jr., [redacted]
Cavis, Charles A., [redacted]
Cilibert, Edward T., [redacted]
Cisternino, John G., [redacted]
Clawson, Donald E., [redacted]
Cochran, Charles D., [redacted]
Connally, Sharon C. III, [redacted]
Cornick, Thomas H., [redacted]
Cox, Dorcas M., [redacted]
Cox, Raymond F., Jr., [redacted]
Craig, Terry L., [redacted]
Daly, Lawrence T., [redacted]
Davis, Larry L., [redacted]
Davis, William S., [redacted]
DeBerry, Thomas P., [redacted]
Debok, Phillip C., [redacted]
Delgado, Richard, [redacted]
Devore, Daniel L., [redacted]
Dohany, Alexander L., [redacted]
Dowling, Ted K., [redacted]
Dunbar, Merwin C., Jr., [redacted]
Eickemeyer, Karl F., Jr., [redacted]
Erickson, Philmon A., Jr., [redacted]
Fabian, David R., [redacted]
Fiddner, Dighton M., [redacted]
Fleming, Stephen B., [redacted]
Foley, Robert M., [redacted]
Forville, David R., [redacted]
Foster, Jean A., [redacted]
Frawley, Lester F., Jr., [redacted]
Friel, Gorge E., [redacted]
Froelich, Gerald L., [redacted]
Fry, Jerry R., [redacted]
Frye, Ivan D., [redacted]
Fuller, Marvin E., [redacted]
Fulton, John S., [redacted]
Gaglia, Joseph, [redacted]
Galenes, Alexander A., [redacted]
Garner, Douglas V., [redacted]
Goldman, Gilbert L., [redacted]
Gollattscheck, Mark L., [redacted]
Golphenee, Orval J., [redacted]
Goodwin, William L., Jr., [redacted]
Gould, Leroy D., [redacted]
Graham, James R., [redacted]
Gravatt, Arthur T., [redacted]
Griffin, John W., [redacted]
Griggs, Dennis L., [redacted]
Groce, Gary R., [redacted]
Hall, James W., [redacted]
Hanson, Charles M., [redacted]
Hassell, Leonard G., [redacted]
Henline, William B., [redacted]
Hentz, James D., Jr., [redacted]
Herbert, Clarke E., [redacted]
Heyman, Eugene F., Jr., [redacted]
Hiu, Patrick, S. H., [redacted]
Hudock, John M., [redacted]
Huey, James T., [redacted]
Hunter, Jack M., [redacted]
Hyatt, Richard S., [redacted]
Jarvis, Michael J., [redacted]
Johnson, Lawrence D., [redacted]
Jorgeson, Lynn P., [redacted]
Kaleta, Albert E., [redacted]
Karney, Robert E., [redacted]
Kenney, Michael R., [redacted]
Killebrew, Robert B., [redacted]
Knack, Frederick H., [redacted]
Knight, James M., [redacted]
Knisely, Benjamin M., [redacted]
Koenig, William T., [redacted]
Kotyrba, Charles H., [redacted]
Laabs, Gary L., [redacted]
Laible, Benjamin E., [redacted]
Langley, Edmund K., [redacted]
Lanier, Glen A. Jr., [redacted]
Lester, Michael B., [redacted]
Lipke, William R., [redacted]
Lofgren, David J., [redacted]
Lyon, Douglas R., [redacted]
Manoil, Robert, [redacted]
Marshall, John N., [redacted]
Maue, David C., [redacted]
Mays, Audie L., [redacted]
McCarthy, Charles P., [redacted]
McGee, George P., [redacted]
McKinley, Loran, R., Jr., [redacted]
Meek, Thomas, [redacted]
Morgenstern, Michael E., [redacted]
Morton, Ward D., III, [redacted]
Mullaly, Charles F., [redacted]
Noble, Richard J., Jr., [redacted]
Norton, Augustus R., [redacted]
Nucci, Kernan M., [redacted]
Oeschger, Oren E., [redacted]
Patterson, Robert G., [redacted]
Peck, Carl C., [redacted]
Peck, Daniel J., [redacted]
Petersen, Michael A., [redacted]
Pevey, Tommy R., [redacted]
Phillips, Ronald D., [redacted]
Pickering, Thomas J., [redacted]
Pienkos, Richard B., [redacted]
Pike, A. Nolan III, [redacted]
Piper, Paul A., [redacted]
Pitzer, James R., [redacted]
Plimpton, Robert P., [redacted]
Powers, James S., [redacted]
Quinlan, James E., [redacted]
Rank, James L., [redacted]
Redden, Jimmy D., [redacted]
Reese, Justin M. III, [redacted]
Reid, Barbara C., [redacted]
Reynolds, James P., [redacted]
Rice, Ray E., [redacted]
Ridder, William E., [redacted]
Roach, Christopher J., [redacted]
Rubino, Vincent E., [redacted]
Rue, William K., [redacted]
Ryan, Kevin M., [redacted]
Saunders, Richard, [redacted]
Scully, Edward J., [redacted]
Seale, Leopold K., [redacted]
Seefeld, Herman W. III, [redacted]
Segal, Jack D., [redacted]
Seidenberg, Anthony B., [redacted]
Seymour, John A., [redacted]
Shaw, Ellis P., [redacted]
Shelton, George R., [redacted]
Shiffert, Alvin M., Jr., [redacted]
Shirk, Lloyd D., [redacted]
Short, Thomas E., [redacted]
Simiele, Frank A., [redacted]
Skinner, Robert G., [redacted]
Smith, Dick R., [redacted]
Smith, Douglas G., [redacted]
Smith, Leslie T., [redacted]
Smith, Mary J., [redacted]
Smith, Michael K., [redacted]
Smith, Paul W., [redacted]
Smith, Thomas A., [redacted]
Solomon, Mendel S., [redacted]
Spieth, James K., [redacted]
Staley, Leo G., [redacted]
Steahly, Lance P., [redacted]
Stevens, Samuel M., [redacted]
Strain, John H., [redacted]
Stroup, Dennis R., [redacted]
Sullivan, John P., [redacted]
Sullivan, William C., Jr., [redacted]
Taylor, James A., [redacted]
Terry, Richard A., [redacted]
Tessier, Robert J., [redacted]
Tisdale, Tyron E., Jr., [redacted]
Topacio, David J., [redacted]
Turner, George H., [redacted]
Turner, Leonard J., [redacted]
Uselding, John R., [redacted]
Vescovi, Ronald E., [redacted]
Voelker, Edward M., Jr., [redacted]
Vranekovic, James D., [redacted]
Wagenaar, Robert S., [redacted]
Wallace, Jerry L., [redacted]
Walton, Willard, Jr., [redacted]
Wambaugh, George W., Jr., [redacted]
Weaver, Robert V., [redacted]
Weddle, Paul C., [redacted]
Welch, James J., [redacted]
Wells, Geoffrey F., [redacted]
Welsh, Francis P., [redacted]
Welsh, Leo F., Jr., [redacted]
Whitenton, Richard L., [redacted]
Wilson, Eugene E., [redacted]
Woltersdorf, John W., Jr., [redacted]
York, Joanne G., [redacted]
Zadzora, Timothy P., [redacted]

*To be second lieutenant*

Albright, Hugh J., [redacted]
Anders, Robert L., [redacted]
Ballou, Justin G., [redacted]
Brooks, Dan W., [redacted]
Burden, Charles G. III, [redacted]
Cannava, Thomas J., [redacted]
Castner, William B., [redacted]
Causey, Danny P., [redacted]
Cornwell, Lewis W., [redacted]
Coulter, Martin A., [redacted]
Curtice, Janet M., [redacted]
Dickson, Michael A., [redacted]
Farlow, Joseph E., [redacted]
Fitzpatrick, James T., [redacted]
Fox, Jack R., [redacted]
Galos, Steven W., [redacted]
Garfield, Jefferson James, [redacted]
Geraghty, Richard W., [redacted]
Hauschild, Harry P., [redacted]
Hendley, Albert J., [redacted]
Hilliard, John C., [redacted]
Hoffmeyer, James H., [redacted]
Ingram, Charles A., [redacted]
Jones, Brian S., [redacted]
Langkamp, Joseph P., [redacted]
Leary, William J., Jr., [redacted]
Long, Bruce B., [redacted]
Lutz, Michael J., [redacted]
McCoy, Warren D., [redacted]
Milman, George E., [redacted]
Murphy, James M., Jr., [redacted]
Neslage, Robert L., [redacted]
Norder, Nickolas W., [redacted]
Oaks, Stanley C., Jr., [redacted]
Phillips, Eugene B., [redacted]
Piedmont, Thomas M., [redacted]
Remig, Wayne D., [redacted]
Ricketts, David J., [redacted]
Schneider, Lawrence, [redacted]
Shaffer, Joseph K., [redacted]
Sieving, Immanuel C., [redacted]
Stuhrke, Frederick M., Jr., [redacted]
Taylor, Jeffrey W., [redacted]
Tilley, Gary L., [redacted]
White, Robert C., Jr., [redacted]
Wozniak, Arthur, [redacted]
Wright, David O., [redacted]
Young, Anna M., [redacted]

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Beckette, Edmund T., [redacted]
Bedard, Alan E., [redacted]
Bender, James H., [redacted]
Bienick, Paul J., [redacted]
Bisaillon, Robert D., [redacted]
Blankenship, Richard E., [redacted]
Blaue, Ronald W., [redacted]
Bosserman, Bruce N., [redacted]
Bowen, William A., [redacted]
Brown, Jerry R., [redacted]
Brown, John A., [redacted]
Buck, Randolph O., [redacted]
Burmeister, Horace W., Jr., [redacted]
Butler, Thomas M., [redacted]
Cassella, Edmund A., [redacted]
Chee, David, [redacted]
Chin, Dennis T., [redacted]

Choquette, Stefan P., [redacted].
Clark, Gary G., [redacted].
Cork, Timothy R., [redacted].
Costello, Benjamin L., [redacted].
Cox, Joseph M., [redacted].
Crepeau, Robert P., [redacted].
Cruz, Michael G., [redacted].
Currie, Van A., [redacted].
Dancses, Joseph S., [redacted].
Darcy, Edward J., [redacted].
Davila, Nestor A., [redacted].
Deshazer, Macarthur, [redacted].
Doss, James H., [redacted].
Eckhart, Michael A., [redacted].
Egiziano, Robert U., [redacted].
Egmon, Gary W., [redacted].
Evans, David L., [redacted].
Evans, John L., II, [redacted].
Faggioli, Vincent J., [redacted].
Fojt, Alan S., [redacted].
Fuoco, Samuel, [redacted].
Calloway, David A., [redacted].
Ganninger, Richard W., [redacted].
Garrison, Dennis V., Jr., [redacted].
Gorres, Roger L., [redacted].
Graski, George M., [redacted].
Griffin, Howard S., [redacted].
Guffey, David M., [redacted].
Guthmiller, Donald L., [redacted].
Hale, Ronald L., [redacted].
Hammonds, Gary L., [redacted].
Hampel, Gary G., [redacted].
Hernandez, Arthur B., [redacted].
Hertig, Mark E., [redacted].
Hervey, Paul M., [redacted].
Hickman, Michael M., [redacted].
Hicks, Paul W., [redacted].
Householder, Gary E., [redacted].
Howrey, Edward L., [redacted].
Hughes, Michael, [redacted].
Hurd, Charles W., Jr., [redacted].
Hylton, Milford D., Jr., [redacted].
Iossi, Charles M., [redacted].
Jemiola, Richard W., [redacted].
Jones, Leonard D., [redacted].
Jones, Randall D., [redacted].
Kassigkeit, Henry C., [redacted].
Keleher, Michael P., [redacted].
Kennedy, John D., [redacted].
Kennedy, Robert J., [redacted].
King, Sidney D., [redacted].
Klenowski, Charles S., [redacted].
Knapp, Stanley K., [redacted].
Kopec, Julius L., [redacted].
Labin, Daniel L., [redacted].
Lindsey, Charles B., [redacted].
Lipton, Patrick P., [redacted].
Liu, Louw Shiang, [redacted].
Lyle, Woodrow R., [redacted].
Marcello, Carlo J., Jr., [redacted].
Markunas, Peter J., [redacted].
Mathes, Todd D., [redacted].
McKean, Michael J., [redacted].
McPhail, James D., [redacted].
Messerknecht, Craig L., [redacted].
Milton, Theodore R., Jr., [redacted].
Minnich, Scott G., [redacted].
Moody, Donald J., [redacted].
Nelson, William E., Jr., [redacted].
Nishimoto, Castle K., [redacted].
Norden, Stephen B., [redacted].
Oncken, William, III, [redacted].
O'Sullivan, Jay D., [redacted].
Palmer, James T., [redacted].
Parkins, Bruce M., [redacted].
Peach, Gregory W., [redacted].
Pearl, Barton Lee, [redacted].
Perkins, Kenneth R., [redacted].
Perry, Brewster, Jr., [redacted].
Perry, Michael L., [redacted].
Phinney, David G., [redacted].
Poole, Trachanzie P., [redacted].
Price, Daniel G., [redacted].
Pumphrey, Robert S., [redacted].
Quinones, Edgardo E., [redacted].
Ritter, George P., [redacted].
Rose, Douglas M., [redacted].
Rose, Richard P., [redacted].
Rothlein, Julius, [redacted].
Rowan, Robert T., Jr., [redacted].
Schaaf, Randy C., [redacted].
Scott, David D., [redacted].
Scott, Peter B., [redacted].
Shaw, Rayford L., [redacted].
Shenberger, Paul S., [redacted].
Siebold, James R., [redacted].
Skudlarek, William J., [redacted].
Sloan, John W., III, [redacted].
Staples, Winthrop R., III, [redacted].
Stricklin, William G., [redacted].
Swenson, Gary G., [redacted].
Tant, Hugh B., III, [redacted].
Thompson, Kenneth P., [redacted].
Thues, Stanley R., [redacted].
Walkenshaw, Barry G., [redacted].
Walkenshaw, Philip S., [redacted].
Ward, Russell D., Jr., [redacted].
Waronicki, Theodore W., Jr., [redacted].
Welles, Peter B., [redacted].
Wenger, Lowell E., [redacted].
Werb, Thomas J., [redacted].
Williman, Glenn S., [redacted].
Wilson, Jon S., [redacted].
Wright, Steven W., [redacted].
Wysocki, Henry V., [redacted].

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 1, 1971:

IN THE COAST GUARD

The nominations beginning Edward A. Howard, to be chief warrant officer (W–2), and ending Ronald A. Simons, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 30, 1971.

# HOUSE OF REPRESENTATIVES—*Tuesday, June 1, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*The fruit of the spirit is found in all that is good and right and true.*—Ephesians 5: 9.

Eternal God, our Father, as we enter a new month and begin a new week we acknowledge our dependence upon Thee and offer unto Thee once again the devotion of our hearts. Throughout this month may we feel sustained by Thy spirit, led by Thy love and guided by Thy wisdom as we endeavor to walk in the ways of truth and justice and good will.

We pray that our life as a nation may be rooted more deeply in moral and spiritual truth and that the fundamental principles of our land may be founded more securely on religious foundations. Only thus can our belief in the Fatherhood of God and the brotherhood of man arise to new reality in our day and only thus can our profession and our practice come to closer agreement.

So may it be now and forever more. 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.

## AN EXASPERATING EXPERIENCE WITH THE CONGRESSIONAL POUCH MAIL SERVICE

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, along with practically every other American, I have been constantly frustrated with the operation of the U.S. Postal Service. My most recent exasperating experience with delivery of the mail came last week when I, for the first time, tried to utilize the Postal Service's highly publicized congressional pouch mail service.

This pouch mail absolutely, positively guarantees that air mail delivered to the House Post Office before 2 p.m. will positively, absolutely be delivered in New Jersey the very next day.

Mr. Speaker, that does not seem unreasonable since New Jersey is not so very far away from our Nation's Capital.

When I informed my secretary that we were going to try this great new pouch mail service, she was skeptical and called the congressional relations office to be reassured that a communication being sent by me to the Governor of New Jersey and all of the newspapers in my district would arrive the very next day. She was assured that this would be the case.

Mr. Speaker, you can guess the ending. The mail did not arrive in New Jersey until 2 days later.

Perhaps we should heed the advice of our colleague, the gentleman from Arizona (Mr. UDALL), who recently stated that we should take the operation and responsibility for the war in Vietnam from the Department of Defense and give it to the U.S. Postal Service. They may not stop the war, but they will sure as hell slow it down.

## BOBBY SEALE SHOULD STAND TRIAL

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, Bobby Seale—Black Panther, revolutionary, and public nuisance—is a free man today because a judge decided he is too well known to stand trial for murder. The court has held that no jury could fairly judge him for the crime of which he stands accused.

It sickens me to consider the victory this man has won over decency. Today, this radical among radicals is free to walk the streets, shouting his denunciation of the United States, spreading hate and fear, spewing his irrational venom to the eager ears of his fellow revolutionaries, and thumbing his nose at rational society.

Bobby Seale undoubtedly now considers himself immune from the law. There will be others like him who claim equal exemption from the laws which govern those who respect processes of justice.

And how did he achieve this ugly fame which now shelters him from restrictions binding the common man? He gained it on the front pages of newspapers and on the television screens of America by hating, by lying, and by talking as a traitor to his own country. His words have been dutifully reported and recorded and his name has come to be associated with dissent and destruction.

Eventually, his name came to be associated as well with murder and he is charged with this crime. But the court determined that he now has become too famous to face a murder charge, that no jury could fairly judge him for the crime of which he stands accused. And so, he is free and his freedom is a disgrace to all Americans. Further, his freedom is a threat to our system of justice. If the Bobby Seales of this world can escape trial solely on the basis of the notoriety they can accumulate, they will have contributed to the destruction of America just as they have threatened to do.

The time has come for serious examination as to the means by which the Seales gain attention. It would seem they have only to scream obscenities, disrupt courtrooms, advocate violence, wave a Vietcong flag, or take off their clothes in public and their actions are blown out of proportion by the cameras which always seems to be on hand at such times.

And, having once achieved this dubious publicity, they then seem to be able to transcend all decency and, as is the case with Seale, even manage to escape the bar of justice on murder charges.

Bobby Seale is not above the law, Mr. Speaker. No man can be above the law, whatever his calling may be. A man accused of murder should be tried on that charge regardless of how much attention he has received in the press. Bobby Seale should be tried for murder, not because he is a leader among undesirables but because he has been accused of taking a man's life. I do not accept the premise that Bobby's Seale's press clippings should shield him from facing a murder charge. The trial should proceed and, regardless of how long it may take, the trial should be concluded either with a verdict of innocence or guilt.

The Seale case cannot become a turning point in American justice. Let it not be said we surrendered the rights of all of society just because it would be too much trouble to defend those rights.

## PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, due to official business last week, I was unavoidably absent and missed rollcall No. 106, regarding the investigative authority of the Post Office and Civil Service Committee. Had I been present I would have voted "nay."

On rollcall No. 108 on the amendment to disagree with Reorganization Plan No. 1, I would have voted "yea."

## PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

### CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

### MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

### ROSE MINUTILLO

The Clerk called the bill (H.R. 2816) for the relief of Rose Minutillo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

### PAUL ANTHONY KELLY

The Clerk called the bill (H.R. 3475) for the relief of Paul Anthony Kelly.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

### ESTATE OF CHARLES ZONARS, DECEASED

The Clerk called the bill (H.R. 2127) for the relief of the estate of Charles Zonars, deceased.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

### MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

### ROBERT F. FRANKLIN

The Clerk called the bill (H.R. 5420) for the relief of Robert F. Franklin.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

### MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

### WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

### JOHN BORBRIDGE, JR.

The Clerk called the bill (H.R. 5900) for the relief of John Borbridge, Jr.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

### JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

### ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 4667) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

### MRS. MARIA G. ORSINI

The Clerk called the bill (H.R. 1899) for the relief of Maria G. Orsini (nee Mari).

Mr. HALL. Mr. Speaker, I ask unani-

mous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

## MISS MARGARET GALE

The Clerk called the bill (H.R. 1995) for the relief of Miss Margaret Gale.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## REFERENCE OF H.R. 4473 TO THE CHIEF COMMISSIONER, COURT OF CLAIMS

The Clerk called House Resolution 240, to refer the bill, H.R. 4473, entitled "A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## REFERENCE OF H.R. 6204 TO THE CHIEF COMMISSIONER, COURT OF CLAIMS

The Clerk called House Resolution 401, to refer the bill (H.R. 6204) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended.

There being no objection, the Clerk read the resolution as follows:

H. RES. 401

*Resolved*, That H.R. 6204 entitled "A bill for the relief of John S. Attinello", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

## ESTATE OF JULIUS L. GOEPPINGER

The Clerk called the bill (H.R. 2110) for the relief of the estate of Julius L. Goeppinger.

There being no objection, the Clerk read the bill as follows:

H.R. 2110

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, notwithstanding any provision of the Commodity Credit Copooration Charter Act (62 Stat. 1070) or any other statute, regulation, or policy, the President of the Commodity Credit Corporation is authorized and directed to pay out of the funds of the Corporation to Walter W. Goeppinger, of Boone, Iowa, as executor of the estate of Julius L. Goeppinger, the sum of $1,213.51 in full settlement of all claims of the estate against the Corporation for the amount stipulated on sight draft numbered G 2279466 which was issued to Julius L. Goeppinger by the Corporation on August 13, 1957, and rendered nonnegotiable by the Corporation on December 19, 1968.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 4: Strike "Copooration" and insert "Corporation".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SALMAN M. HILMY

The Clerk called the bill (H.R. 6998) for the relief of Salman M. Hilmy.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## ARNOLD D. SMITH

The Clerk called the bill (H.R. 1907) for the relief of Arnold D. Smith.

There being no objection, the Clerk read the bill as follows:

H.R. 1907

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Arnold D. Smith of San Jose, California, is hereby relieved of liability to the United States in the amount of $174.10, representing overpayments paid to him while a member of the United States Navy as the result of an administrative error made in his leave record on June 30, 1961, which error occurred without fault on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Arnold D. Smith an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated by subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## JOHN A. MARTINKOSKY

The Clerk called the bill (H.R. 4042) for the relief of John A. Martinkosky.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## EUGENE M. SIMS, SR.

The Clerk called the bill (H.R. 7085) for the relief of Eugene M. Sims, Sr.

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that these bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## ROY E. CARROLL

The Clerk called the bill (H.R. 2846) for the relief of Roy E. Carroll.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## FAITH M. LEWIS KOCHENDORFER AND OTHERS

The Clerk called the bill (H.R. 3201) for the relief of Faith M. Lewis Kochen-

dorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kichendorfer; and, Frederick L. Baston.

There being no objection, the Clerk read the bill as follows:

H.R. 3201

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $51,133.42 to Faith M. Lewis Kochendorfer; the sum of $17,044.47 to Dick A. Lewis; the sum of $17,044.47 to Nancy J. Lewis Keithley; the sum of $17,044.47 to Knute K. Lewis; the sum of $17,044.47 to Peggy A. Lewis Townsend; the sum of $17,044.47 to the First National Bank and Trust Company of Bismarck, North Dakota, as the guardian of the estate of Kim C. Lewis; the sum of $17,044.47 to Faith M. Lewis Kochendorfer as the guardian of the estate of Cindy L. Lewis Kochendorfer; and, the sum of $4,500.00 to Frederick L. Baston in accordance with the opinion rendered in Congressional Reference Case Numbered 4-68, filed on December 30, 1970, to-wit: Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Robert P. Hendrickson as Guardian of the Estates of Peggy A. Lewis, Kim C. Lewis and Cindy L. Lewis Kochendorfer; and Frederick L. Baston versus The United States. The payments provided for in this Act are to be made in full and final satisfaction of all claims against the United States of the individuals named herein for compensation for the death of Gene A. Lewis and property loss as the result of an aircraft accident near Cheyenne, Wyoming, on December 15, 1959, involving a military aircraft operated by a member of the Wyoming Air National Guard, participating in National Guard training, which collided with an aircraft operated by Gene A. Lewis.

No part of the amount appropriated in this Act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

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## EMERGENCY EMPLOYMENT ACT OF 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3613) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 3613, with Mr. BOLAND (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Tuesday, May 18, 1971, the gentleman from New Jersey (Mr. DANIELS) had 59 minutes remaining and the gentleman from Minnesota (Mr. QUIE) had 58 minutes remaining.

The Chair recognizes the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DANIELS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of the Emergency Employment Act of 1971. That title is no accident. We do face an emergency. The emergency is that of people without jobs, and there is no more desperate situation than that faced by the man or woman who wants to work but for whom there is no work. That desperate plight is faced right now by over 5 million of our fellow citizens, and it is a plight that we cannot ignore.

The Employment Act of 1946 stated that it was the policy of the United States to assure all Americans seeking work opportunities useful, regular, full-time employment at reasonable wages.

Today, 25 years later, this goal is still not a reality for millions of Americans.

Administration economists paint us a rosy picture of how everything will turn out well in the long run—but men cannot eat in the long run, they need to eat every day. They need a paycheck to buy that food, not in the long run, but this week and next week.

The Emergency Employment Act; for which I ask your support, is designed to deal with that emergency. A national unemployment rate of 6.1 percent requires not more speeches, but more jobs, and more jobs is what this bill is all about.

This bill creates jobs—not dead end leaf-raking jobs, but real jobs that need to be done and are not being done solely because our State and local governments are not able to raise the money to pay for the services that they need.

This bill deals not only with the crisis faced by the unemployed. It also deals with the crisis faced by our local governments which cannot provide the funds to pay for the work that needs to be done. We have cities that need workers, and we have workers that need jobs. The Emergency Employment Act provides jobs for the unemployed workers and funds for the cities to enable them to hire the workers they need.

Those are the purposes of H.R. 3613:

First, to put unemployed persons to work; and, second, in so doing, to provide needed public services to our citizens.

The National Commission on Technology, Automation, and Economic Progress reports that there are 5.3 million potential public service jobs in such fields as education, pollution control, welfare, public protection, medical and health services, transportation, urban renewal, parks and conservation, and sanitation.

Yet, as their residents become hard pressed, State and local governments have dwindling resources as their tax bases decrease, and they are unable to provide services to these people when they are most in need of them.

Along with giving jobs to the unemployed—the principal benefit of this legislation—State and local officials who cannot now afford to do so will be able to hire persons to work on improvement projects, to make additions to the work force in the vital area of public safety, to improve and expend recreation programs, public education, and to do many other things that will benefit their communities.

The bill will provide about 150,000 jobs for the unemployed in providing needed public services. This is a job program, not a training program. And under the circumstances that we have today, that is exactly what we need. I have always been a strong supporter of job-training programs, but training is not the answer where the problem is not lack of skills, but lack of employment opportunities.

My bill authorizes the Secretary of Labor to enter into agreements with applicants to make financial assistance available to unemployed and underemployed persons in jobs providing needed public services. Under section 4, eligible applicants are units of Federal, State, county, and municipal governments, public agencies and institutions that are subdivisions of State or general local government, institutions of the Federal Government, and Indian tribes. As an example, incinerator, sewer, sanitation and water authorities, and veterans hospitals would qualify for funds.

Section 5 of H.R. 3613 authorizes $200 million for fiscal year 1971, $750 million for fiscal year 1972, and $1 billion for the 3 succeeding fiscal years. If the national unemployment rate grows to 4.5 percent or more for 3 consecutive months, the Secretary could begin to contract for programs. The funding mechanism is designed to be retroactive, so our present economic conditions would make this act immediately effective. If the national unemployment rate goes below 4.5 percent for 3 consecutive months, the Secretary may no longer make any obligation of funds.

This bill also contains an innovative provision called the special employment assistance fund. The bill authorizes to be appropriated for deposit in this fund $250 million initially for the fiscal year ending June 30, 1972, and for each of the 3 succeeding fiscal years whatever sums may be necessary to keep the fund at a level of $250 million. Amounts appropriated under section 5 that are not

available for expenditure shall be deposited in the special employment assistance fund without fiscal year limitation.

In order to be eligible for assistance under this section, an applicant must have an area within its jurisdiction that has had a rate of unemployment of 6 percent or more for 3 consecutive months. This provision focuses funds into local areas of great need that are pockets of chronic unemployment. So, the local trigger is designed to take effect regardless of the national rate of unemployment.

There are two provisions in this bill that are of particular importance which I would like to single out for your attention.

Mr. ERLENBORN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 111]

| | | |
|---|---|---|
| Abzug | Frelinghuysen | Nichols |
| Alexander | Fulton, Tenn. | Nix |
| Anderson, Tenn. | Galifianakis | Pelly |
| Aspin | Gallagher | Pepper |
| Baring | Gettys | Pettis |
| Betts | Giaimo | Pickle |
| Biaggi | Goldwater | Pirnie |
| Blackburn | Gray | Podell |
| Blatnik | Green, Oreg. | Price, Tex. |
| Bolling | Green, Pa. | Railsback |
| Brademas | Halpern | Randall |
| Brasco | Hammer-schmidt | Rarick |
| Brown, Ohio | Harrington | Rhodes |
| Broyhill, Va. | Harvey | Robison, N.Y. |
| Burke, Fla. | Hastings | Roe |
| Burleson, Tex. | Hébert | Rooney, N.Y. |
| Camp | Hicks, Mass. | Rostenkowski |
| Carey, N.Y. | Hillis | Rousselot |
| Carney | Howard | Roybal |
| Celler | Ichord | Runnels |
| Chappell | Jarman | Ruppe |
| Clark | Johnson, Pa. | Ruth |
| Clausen, Don H. | Jones, Ala. | St Germain |
| Clawson, Del | Jones, Tenn. | Sandman |
| Clay | Karth | Saylor |
| Conte | Kazen | Shipley |
| Conyers | Kee | Snyder |
| Culver | Keith | Spence |
| Danielson | Kemp | Steed |
| de la Garza | Kluczynski | Steiger, Ariz. |
| Delaney | Kyl | Steiger, Wis. |
| Denholm | Leggett | Stephens |
| Dent | Lennon | Stratton |
| Derwinski | Lent | Stuckey |
| Devine | Long, La. | Symington |
| Dickinson | Lujan | Talcott |
| Diggs | McClory | Teague, Tex. |
| Drinan | McCormack | Thompson, Ga. |
| Dulski | McCulloch | Thompson, N.J. |
| du Pont | McDade | Thomson, Wis. |
| Dwyer | McEwen | Tiernan |
| Eckhardt | McKevitt | Udall |
| Edwards, Ala. | Madden | Veysey |
| Edwards, La. | Mailliard | Whalen |
| Eilberg | Metcalfe | Whalley |
| Eshleman | Miller, Calif. | Wiggins |
| Evins, Tenn. | Mills, Ark. | Wilson, Charles H. |
| Flowers | Mink | Winn |
| Flynt | Minshall | Wydler |
| Ford, William D. | Morgan | Yates |
| Forsythe | Morse | Young, Tex. |
| Fraser | Moss | |
| | Murphy, Ill. | |
| | Nedzi | |

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 3613, and finding itself without a quorum, he had directed the roll to be called, when 276 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN pro tempore. When the Committee rose, the gentleman from New Jersey (Mr. DANIELS) had consumed 7 minutes. The Chair recognizes the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, at the time the Commitee rose, I was making the point that there are two provisions in this bill, H.R. 3613, that are of particular importance; namely, veterans' preference and limitations of provisions with reference to veterans' preferences.

Veterans' preference: The committee wishes to give special recognition to the need for jobs for veterans who served in the Armed Forces in Indochina and Korea after August 4, 1964. Over 90,000 young men begin looking for work each month, far too often without success. In order to meet this crisis our bill gives veterans preference. Each applicant must provide assurances that preference in filling public service jobs will be given to persons who served in the Armed Forces during this period.

Limitations of professionals: Every applicant must give assurances that no more than one-third of the participants in the program will be professionals within the meaning of section 13(a)(1) of the Fair Labor Standards Act, although the Secretary may waive the limitation in exceptional circumstances. This restriction does not apply to classroom teachers.

In addition, there is a maximum of $12,000 on the salary that may be paid to any person employed in a public service job.

Eighty percent of the funds appropriated under section 5 will be distributed among and within the States on the basis of the proportion which the total number of unemployed persons in an area or State bears to such total numbers, respectively, in the State or nationally. The remainder may be distributed as the Secretary deems appropriate.

Some of my colleagues are opposed to this legislation.

Why this opposition to giving work to the unemployed? Why this opposition to helping our local governments solve their problems?

There are two reasons, Mr. Speaker, and neither one of them can stand close scrutiny. The first reason harks back to the President's veto of last year's comprehensive manpower bill. The second requires a brief look at the so-called manpower revenue sharing bill.

Let us look at the President's veto first. The President objected to last year's manpower legislation because it would supposedly provide "dead-end, WPA-type" jobs. I believe his objectives were mistaken, that he was misadvised about the contents of the bill. But, in any event, the Emergency Employment Act is different from last year's in many respects:

The emergency bill operates only in periods of high unemployment, while the vetoed bill provide public service jobs regardless of the state of the economy.

The emergency bill sets a salary limit of $12,000 a year; the vetoed bill had no limit.

This year's legislation provides that not more than one-third of the participants can be in professional jobs; the comprehensive manpower bill had no comparable provision.

H.R. 3613 has a special funding provision for localities with high unemployment; the vetoed bill did not.

The emergency bill gives special emphasis to jobs in occupational fields that are likely to expand as unemployment recedes; the vetoed bill did not.

H.R. 3613 provides financial assistance to governmental bodies only; the vetoed bill included nonprofit organizations.

Finally, one of the most important differences is that the emergency bill gives Vietnam veterans special preference, while the vetoed bill did not.

The "dead-end, WPA-type" job argument against this bill is unfounded; and so is the second argument that we should substitute the manpower revenue sharing bill.

Manpower revenue sharing is a new and untried and unexamined idea. It is utterly inconsistent with what the administration recommended last year—and even the Secretary of Labor is not too clear about what it really means. The fact that an idea is new does not mean that it is bad. The fact that a proposal is different from last year's administration proposal does not mean that it is bad. But it does mean that it deserves examination. Manpower revenue sharing has not been examined. And it cannot be enacted with the speed that the current unemployment crisis demands.

It is interesting that the substitute offered by the minority does not even adopt the manpower revenue sharing bill as it was proposed by the administration. It would be sheer folly to adopt this proposal before it has received proper scrutiny in hearings and committee consideration. The manpower revenue sharing bill has had neither hearings nor committee consideration.

It is too vague and presents too many unresolved problems to be put before the House of Representatives at this time. No one can say that it will have any impact in reducing unemployment. The emergency employment bill will reduce unemployment—it deserves immediate consideration.

H.R. 3613 provides relief now, when it is needed, not at some distant future date. It gives us time to deal with the larger task of manpower reform without a crisis hanging over our heads.

I trust that the administration and Members on both sides of the aisle will support this bill. Unemployment is not a partisan problem, and if, as the President promised in his state of the Union message, economic policies will reduce our unemployment, the bill will automatically become inoperative. But until that happy time, we need to provide

work for the unemployed now. That is what my bill does—and that is why it deserves quick consideration and rapid enactment.

The CHAIRMAN pro tempore. The gentleman from New Jersey has consumed a total of 14 minutes.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, the week before last, in Akron, the Northeastern Ohio Congressional Council, composed of representatives from the Greater Cleveland-Akron metropolitan areas, held the second in its series of public hearings to give citizens an opportunity to express themselves on subjects of national concern.

Among those who testified was Kenneth Herbert, director of the Akron Manpower Training Center and president of the Ohio Association of Manpower Center Administrators.

Mr. Herbert, speaking on behalf of the Ohio Association of Manpower Center Administrators, made an urgent plea for continuation of the Manpower Development and Training Act of 1962, and rejection of the President's manpower revenue sharing program and the Esch amendment to the Emergency Employment Act.

I have visited the Akron Manpower Training Center, and have seen first hand the magnificent job they are doing in training people to be productive, self-sufficient citizens.

It would be tragic to kill this program. Yet, as Mr. Herbert points out in the statement he made at the hearings, under revenue sharing manpower training will most assuredly be low on the list of priorities of the Nation's financially hard-pressed mayors.

Mr. Chairman, I request unanimous consent to revise and extend my remarks, so that Mr. Herbert's statement and a statement by Victoria Rodgers of Akron can be printed in the RECORD at some point in the debate.

The CHAIRMAN pro tempore. The gentleman will have to get that permission in the House.

Mr. SEIBERLING. Thank you, Mr. Chairman.

The material referred to follows:

OHIO ASSOCIATION OF MANPOWER CENTER ADMINISTRATORS,

*May 21, 1971.*

Hon. JOHN F. SEIBERLING,
*Washington, D.C.*

DEAR CONGRESSMAN SEIBERLING: On behalf of the Manpower Development and Training Administrators of Ohio I would like to urge that the Manpower Development and Training Act be retained as a separate piece of legislation and that it be modified and renewed before its expiration date of December 31, 1972.

We strongly urge that it should not be eliminated with the idea of placing this responsibility with local or state governments. There is little doubt that if revenue sharing is adopted and the mayors with their tremendous problems of financing city operations must choose between maintaining or expanding city services or assisting the disadvantaged in securing training to make them employable, the present function of Manpower Training will have a low priority. Why should it be necessary for a mayor to make this decision to help the poor or not help the poor to become employable.

Instead we urge that a U.S. Department of Education and Manpower be established and that the function of administering the Manpower Development and Training Act become the responsibility of this Department.

Since the public schools of the nation are in dire financial straits, they cannot afford to carry the financial burden for either vocational education or Manpower Development and Training for even a short period. Neither can they or any other local or state government afford to provide a training allowance to a person attending Manpower classes.

You will remember that it was necessary to close the Mahoning Valley Vocational School, although it was very successful. It was closed because training allowances were not available and the trainees could not afford to attend. It was a horrible disaster after the tremendous success of graduates of that school.

The same thing can happen to every Manpower Development and Training Center in the United States (now about 75) while the mayors are deciding if they can spare the funds to operate them.

It is our firm belief that the suggested change in the delivery system will almost inevitably eliminate these successful Skill Centers.

On behalf of hundreds and thousands of disadvantaged persons yet to be trained, we urge that the MDT legislation be expanded and changed so we can do the job we are capable of doing for the disadvantaged individual or the veteran needing skill training in order to secure employment.

We have dedicated the Skill Centers to the function of helping the disadvantaged help themselves. It is a positive way of providing the individual with needed skills, but also with the confidence needed to become a valuable citizen and employee.

Respectfully yours,

KENNETH J. HERBERT.

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STATEMENT

I, Victoria Rogers, am employed by The University of Akron as the Keypunch Supervisor.

I was able to reach this position because of the Manpower Development and Training Skill Center giving me the opportunity and assistance to improve my skills and abilities, and The University of Akron by letting me put my skill and training to use.

I shall refer to the Manpower Development and Training Center as the MDT Skill Center.

I dropped out of high school at an age when most people think that this is the thing to do.

But on my own, married and with a family, I soon realized that aside from my family life, I had no future; my life would be closed and meaningless. So I decided to go back to school.

I was accepted on the Stride Program. While on this program, I went to school from 8 A.M. until noon, worked for Vocational Planning Center from 1 until 5 P.M., and went to school again from 6 until 10 P.M. Believe me, I was determined.

With this amount of daily activity and a family to raise, I soon got pretty discouraged and my determination was slowly leaving.

The MDT Skill Center offered me the encouragement and assistance that convinced me I WAS doing the right thing. It provided me with the necessary background and credentials so that my lack of work experience was not an obstacle in my attempt to get a meaningful job and a chance to advance.

It also provided me with High School Credits, which meant I could have my long sought after High School Diploma.

After graduation—no, as a matter of fact, before graduation—I obtained my first position—Clerk Typist at Akron University.

The University was open-minded enough to realize my skills and abilities and gave me every opportunity to develop them.

Because of my training on IBM Keypunch at the MDT Skill Center, I was selected to learn to operate a teletype. I was even allowed to use my skills on a Keypunch. I learned a lot about the world of Computers, and when the opportunity appeared, they (The University) transferred me to a position where I could utilize my skills.

So, in three years, I went from High School Drop-out to Clerk-Typist to Data File Librarian—to become a Shift Supervisor of the Keypunch Section.

I think it is clear to see that the MDT Skill Center performs the function, and actually accomplishes the purpose for which it was developed.

The people who decide to take advantage of this opportunity by honestly putting their best foot forward *cannot go wrong.*

Thank You.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, we have been listening to this debate for some time. I am sure there is going to be a good deal more argument against the basic bill and the substitute before we come to a vote.

With all due respect to my colleagues on the other side, I submit, Mr. Chairman, that the substitute bill is a cruel hoax on the returning veterans coming home seeking jobs. It is a cruel hoax on the college students who are today experiencing the worst depression we have had among college students. It is a cruel hoax against those who have been dislocated in their jobs because of the recession.

This whole Esch substitute tries to create the impression that somehow by restructuring the manpower program we will create new jobs and give people a chance to earn their livelihood.

Mr. Chairman, I submit a sincere and careful examination of the substitute will show nothing like that will happen. Not one new additional job will be created by the substitute.

Conversely, the bill submitted by the gentleman from New Jersey (Mr. DANIELS) actually creates 150,000 new job opportunities.

I would say to my colleagues who have been tempted to support the Esch substitute that they are in the right church but in the wrong pew.

Surely we agree there are reforms necessary in the manpower program. The committee chaired by the distinguished gentleman from New Jersey (Mr. DANIELS) has under consideration a number of manpower reform bills, including my own. I am sure that in due time we are going to have manpower reform legislation, but I submit that the crisis now is of such proportions that what Americans need today most are jobs. The Esch substitute just will not provide such jobs.

The Esch substitute gives veterans pri-

ority on nonexisting jobs. They are now using the argument here and saying we take care of the veterans, also. But how can you take care of veterans when there are no jobs for them They say they want to retrain them. I submit, Mr. Chairman, that the veterans coming back from Vietnam are sufficiently trained and qualified. They are truck drivers, medical aides, typists, stenographers, telegraphers, radio communicators. Our soldiers are coming back from Vietnam with a myriad of excellent skills. They do not need more training. What they need is a job.

I tell you that it is a national disgrace that this country has sent boys out to Vietnam to fight, but when they come home they cannot find job opportunities to feed their families.

When they talk about retraining veterans, that is a cruel hoax. These boys already have job skills and can move into the jobs now or tomorrow and do it in an excellent manner because of the training they have received in the armed services. The problem they have is to find the job.

They also want to retrain college graduates. Over the weekend you have seen reports coming out of the colleges showing that they have never suffered a greater depression in job opportunities. Young people with college degrees are searching aimlessly for jobs that are just not there.

What is the sense of talking about a manpower retraining program? What will you retrain them to do? They are trained now. They have spent 5 or 6 years in college getting training for jobs. But the jobs are not there. You talk about retraining people who have been trained in the aerospace industry and other industries that have been hard hit by the present recession. We have engineers who helped to put men on the moon, brilliant scientists and engineers, driving taxicabs today and tending bar and doing all sorts of other menial jobs because they have no opportunities in their professional categories. What will you retrain them for? They are well trained and capable. All they need is a job.

The Daniels bill provides funds for creating 150,000 meaningful jobs in hospitals; as teachers aides; and in the whole field of ecology. These scientists can be used in these jobs today, because the Daniels bill will provide for that.

Mr. Chairman, it is a cruel hoax to come before this House today and try to sell the House on a substitute dealing with major reform of the manpower program when indeed all this country needs is jobs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DANIELS of New Jersey. Mr. Chairman, I will be glad to yield the gentleman 3 additional minutes.

Mr. PUCINSKI. Now, Mr. Chairman, I want to show further why I have said that this substitute is a cruel hoax.

This bill gives the highest priority to welfare recipients. God only knows that there are enough of those people in this country who could take up whatever new jobs this substitute bill conceivably would create. They give the highest priority to those on public aid and they repeat and duplicate the very proposal now incorporated in the welfare reform bill which is now on its way through the Committee on Rules and which has been reported out by the Committee on Ways and Means.

Mr. Chairman, the Committee on Ways and Means sets up $800 million for new job opportunities for those on public assistance. The Daniels bill, is designed to create 150,000 new jobs for those who are unemployed because the sagging economy has closed off their job opportunities.

Mr. Chairman, I would be the first one to admit that we need manpower reform. The fact of the matter is that manpower reform will come when we have had some good hearings.

Mr. Chairman, the Esch substitute has not had one single day of hearings. The Esch substitute will emasculate the vocational education programs all over this country.

There are 9 million American students who are now preparing themselves for gainful employment in the various programs under the Vocational Education Act.

As chairman of the House Subcommittee on General Education I have had a deep interest in vocational education. However, I tell you that this substitute will emasculate our present vocational education programs.

This is why the American Vocational Association has clearly stated that it is opposed to the Esch substitute because of what it will do to vocational education.

So, my colleagues, I would hope that the House, after due consideration, would reject the substitute.

We will bring to the House a manpower reform bill. There is agreement among all of us that we do need reform in the manpower program. This was reflected in the bill which was enacted last year. But the fact of the matter is, right now the veterans of this country need jobs and not retraining, the college students and graduates need jobs and not retraining. The engineers, who have been displaced in the aerospace industry and various other industries, need jobs and not retraining.

Therefore, Mr. Chairman, I urge the House to reject the Esch substitute bill. I urge the House to go along with the bill which the gentleman from New Jersey has proposed in order to provide 150,000 urgently and desperately needed jobs.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today to say a few words in favor of the Emergency Employment Act of 1971, H.R. 3613, as reported out of the House Education and Labor Committee. I am supporting the bill as reported without the Esch substitute, H.R. 8141, described as being backed by the administration but, upon closer scrutiny, found to differ significantly from the grant consolidation proposal originally made by the administration.

But, I do not wish to spend time today in the interminable revenue-sharing arguments that have already bogged discussion on this bill down. I think many of us are aware that with the introduction of the Esch substitute, however closely it mirrors or does not mirror the administration consolidation proposals for existing manpower programs, the opening round in the discussion of the administration's revenue-sharing proposals is being forced upon us. I think this is the wrong time to begin to tackle this controversial package. I think the proponents of the administration proposals have chosen a poor time and the wrong vehicle to inject this element of controversy into the deliberations of this body. There have not been sufficient hearings on the matter by the appropriate committees. There will be plenty of time to weigh the pros and cons of the philosophy behind the Esch substitute. My point is that now is not the time. We are considering what is called an Emergency Employment Act and its aim is to tackle the problem without further delay and to put people to work in high unemployment areas right away.

Only slightly less critical are the jobs and services that would be performed by the presently unemployed. There is a considerable shortfall in our large metropolitan areas today of services in such vital areas as sanitation, law enforcement, fire prevention, health, and the like. The needed further services, in other words the jobs, are there. The needs are not being manufactured and they are compelling. The unemployed people are there as the unemployment statistics so eloquently demonstrate. The missing element at present is the Federal funds needed to put the unemployed citizens to work immediately within the municipalities throughout America performing worthwhile tasks. For all $200 million would be public service jobs in the current fiscal year, $750 million for fiscal year 1972, and $1 billion for each of the 3 succeeding years.

Gentlemen, the time for action on this bill is now. The time for debate on H.R. 8141 is later and there is no reason to tie the fate of one to the uncertain future of another.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, at the outset, reference was made by the very distinguished gentleman from Illinois and the previous speaker to the effect that the Esch substitute would provide a cruel hoax on veterans. I think that accusation should be clarified at the outset.

Mr. Chairman, the difference between the committee bill and the substitute bill as it pertains to veterans is this. Under the committee bill, pursuant to an amendment which I sponsored in the committee, the veterans who have served in the Korean or Indochina theaters would be given preference for public service employment jobs.

Under the substitute bill they would be given preference not only for public service jobs but also for all manpower training programs and service, including job counseling.

So that I think that the fact of the matter as it pertains to veterans is this: that under the substitute bill preference will be given for those veterans from Korea and Indochina in all programs. I think it is important to recognize——

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I will yield in just one moment to the gentleman.

As I started to say, I think it is important to recognize that when we are dealing with the question of veterans it was attempted to be neutralized by putting in both measures as far as to the extent that it could be covered in both measures, and that was my intent, and that was why I offered the substitute to the committee bill.

I will now yield to the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Is it not true that under the bill H.R. 3613 that not only do we give veterans preference for consideration for employment, but in addition thereto that they are eligible for training?

Mr. ESCH. Under the committee bill they are eligible for training, but the committee bill does not affect the manpower training programs which are currently in the country today, and thus the veterans are not given preference for current manpower training programs other than the public service employment factor.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield further?

Mr. ESCH. I yield further to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Is it not true that recently the administration authorized the expenditure of $1 billion for additional veterans training?

Mr. ESCH. There have been initiatives by the administration, and we laud them. I think the committee felt in its wisdom that additional measures should be needed not only in terms of manpower training and public service employment, but a tool comprehensive approach to veterans training.

Mr. DANIELS of New Jersey. I thank the gentleman for yielding.

Mr. ESCH. Mr. Chairman, as I said before, I think the record should be clarified that the substitute bill—and its provision for veterans preference—covers all aspects of the manpower training.

Mr. PUCINSKI. Mr. Chairman, would the distinguished gentleman yield?

Mr. ESCH. Not at this moment. I will be happy to yield later.

The second question was regarding the effect of the substitute bill on vocational education.

I think it should be pointed out at the outset that although many Members received communications from the American Vocational Association, they do not support either the substitute bill or the committee bill. And in a letter from Mr. Burkett, of the American Vocational Association, he said in part:

Our opposition to H.R. 8141, the Manpower Revenue Sharing Bill, is not to be construed in support of or in opposition to H.R. 3613.

So the record should be clear that the American Vocational Association does not support H.R. 3613, the committee bill.

Furthermore, it should be pointed out that they did not support the bill on manpower training which went to this House last year, and which forms the basis for the substitute bill.

One point to be made specifically as to the nature of the impact on vocational education of the manpower training bill which we propose, and that is for the first time, for the very first time in the manpower training program, we state in the substitute bill that to the maximum feasible extent the local technical schools, the local vocational schools, the local community colleges, and so forth, will be utilized by the local units of government in developing their own manpower training programs.

What is the impact of this? It means that for the first time we will begin to have a coordinated program with all vocational educators in the local communities. This, I would suggest, is the real strong need: to develop a coordinated program between vocational education and vocational educators on the one side, and the manpower training programs on the other.

So, contrary to what has been suggested by the American Vocational Association, if the Esch substitute is clearly understood by your local vocational educators, I think that they will support it because they would like to have an opportunity to participate to the maximum feasible extent in State programs or in local county or city programs. We must utilize those community colleges and other facilities, and this has been missing in the current manpower training program because they have been directed from a central source rather than a local source.

Now let us go on for a little bit more.

I think one of the most analytical and profound discussions of the merits of manpower revenue sharing is found in a dialog which was part of the March 7 "Meet the Press" program on NBC. On that program Dr. Leon Sullivan, the founder of Opportunities Industrialization Centers, a nationwide job-training program, pointed out the need from the standpoint of working at the grassroots level, and he surely had experience in that, of solving the problems of the unemployed. He certainly gained a keen insight into this and I would read for you what he said regarding manpower training.

He was asked whether the Nixon proposal in terms of $2 billion for manpower training programs under State and local governments—"Based on your experience with manpower training programs, do you think that is a good or a bad idea?"

Mr. SPIVAK. Reverend Sullivan, President Nixon the other day asked Congress for $2 billion in revenue sharing funds for a manpower training program to be under state and local government. Based on your experience with manpower training programs, do you think that is a good or bad idea?

Dr. Sullivan said:

It will be a good idea if the people in the communities where the problems are have the discretion and the ability to utilize those funds for the development of their own programs. As long as manpower programs are developed from the top down, rather than from the bottom up, they will not be successful. They will get caught in the old concept of big jobs, big salaries and big heads, where the money stays up rather than going down to help the people.

So I would say, if the money doesn't get caught in the old patronage bags, where people get the money, rather than money to help the people, it might work, and if the government decides not to try to run the programs. Because if the government tries to run them with their bureaucracy, they will ruin them. Programs, to succeed in manpower, have to come up from the people, and the people themselves must want them to help themselves.

Then he goes on to talk about the Philadelphia experience.

That is the essence of the substitute bill—an opportunity to have coordination and development and structuring of manpower training programs at the local level to meet the needs of the local community.

Let me make several other points: First and foremost, this is not an argument over whether we should have public service employment as part of our manpower programs. The substitute bill would authorize very large appropriations which could be used for public service employment programs and would authorize it now. It would authorize $500 million in the first year as opposed to the committee bill authorizing $200 million. This is not an argument over the need to respond to the problem of unemployment rates. The substitute bill will provide immediate assistance and larger in size than the committee reported bill and more responsive to the immediate needs.

This is not an argument over the details of our legislation which ought to be worked out in committee. If it is, then the points that should be made on both sides would be persuasive that we should recommit the bill to committee.

Arguments for and against the committee bill and arguments for and against the substitute have been aired equally during the committee hearings and have been discussed at length by this House and by this Congress over the last 2 years. The argument simply boils down to this then—are we going to add yet another defective and narrow program authorization to the dozen encumbering and already unwielding and faulty system delivering manpower service to the unemployed or are we going to consider opportunities to fundamentally reform that system so as to be responsive in the most effective way to the needs of the States and the local needs and to the individual needs.

If the latter is our intention, then we

shall vote for the substitute bill tomorrow.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I rise at this time to express my opposition to the emergency employment bill, H.R. 3613, and to offer my strong support for the substitute amendment introduced by the distinguished gentleman from Michigan (Mr. ESCH).

H.R. 3613 is not the remedy for unemployment that its sponsors say it is. The bill simply represents a continuation of the shortcomings and inadequacies of past manpower efforts, which time and again have proven to be of little effect in reducing unemployment.

What is needed, and what Mr. ESCH has proposed, is a fundamental reform of manpower efforts, consolidating existing programs, making them more flexible, and allowing local authorities with widely differing job markets and training needs to tailor the programs to their own needs.

This more selective and effective approach, which embodies much of President Nixon's proposed manpower revenue sharing plan, hold forth the greatest promise of relieving the unemployment situation of any manpower legislation yet proposed.

It should be clear to us all by now that different kinds of unemployment can be solved only by initiating different kinds of responses to the problem in different areas of the country.

Job placement and training programs that might be effective in easing the aerospace industry's unemployment problem in the State of Washington would very likely not work as well when applied to the unemployment situation that exists in ever-increasing severity in the textile industry in the State of North Carolina.

By passing Mr. ESCH's amendment, we can provide the means of giving local and state officials a large degree of leeway and flexibility in solving their own unemployment problems.

His amendment provides a way for local and state officials to fashion training programs that will fill local employment needs. We must all agree that training for jobs that exist is clearly preferable to training for jobs that will have to be created or for jobs that will require massive relocation.

The Esch amendment provides that on-the-job training, vocational education or technical training can be used in any combination that will assure the best results in training people for jobs, and then having jobs to put them in.

Another feature of the Esch amendment is the responsibility that would be given to local officials to continue those existing programs that have proven their effectiveness in job training and placement, and to discontinue those that have proven to be ineffective and a needless, worthless drain of public financial support.

This, to me, represents the most innovative and needed step toward providing truly effective manpower training and placement programs, a step toward far greater efficiency in Government spending.

We all know of instances of waste and ineffectiveness in past Federal manpower efforts, and the Esch amendment gives us the opportunity to do away with those programs that have given manpower development a bad name in so many communities across the Nation.

The choice to me seems clear: By passing the bill currently proposed, H.R. 3613, we simply lock ourselves in to yet another rigid and shortsighted program that offers no lasting solution to the unemployment problem, providing instead a system of tax-supported employment with no view toward removing those employees from public jobs as private employment becomes available.

By choosing instead the Esch amendment, we can, at substantially less cost, revolutionize and vastly improve the Federal Government's approach to manpower development, and really do something constructive about relieving unemployment in America.

I urge my colleagues to join with me in voting for the Esch amendment, and against H.R. 3613.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Chairman, I rise in support of the Daniels bill.

Mr. Chairman, the United States is presently gripped in the firm clutches of a severe unemployment crisis. Last December unemployment reached a 9-year peak with a startling 6.2 percent rate. Since that time, the unemployment rate has not varied significantly and has remained at approximately 6 percent. In April the unemployment rate, as we all know, was 6.1 percent.

This current crisis is a direct consequence of the continuation of distorted priorities and the drastic economic dislocations we observe are a result of the current administration's poorly conceived and ineffectually implemented programs. Although 4.7 million Americans are unemployed, the Nixon administration has failed to offer any meaningful or effective solutions. It seems clear, therefore, that the Congress must take the initiative and exercise its responsibility to cope with this program. Thus, the passage of H.R. 3613 is not only desirable, it is a clear economic necessity.

Although we are sadly aware of the current situation, the need for this legislation is not new. If we are to fulfill the commitments made to protect and develop our physical environment and carry forward essential programs of social services, the personnel must be supported by Federal assistance. In 1965, for example, the Office of Economic Opportunity reported that 4.3 million new jobs could be filled in public service if the Government were to fulfill its obligations in the two aforementioned areas. Three years ago a W. E. Upjohn Institute study revealed that in 130 cities with a population of 100,000 or more, there are 280,000 unfilled public service positions in those cities alone, of which 141,000 could be immediately filled by untrained or unskilled unemployed persons. Testifying before the Senate Labor and Public Welfare Committee earlier this year, Mayor Lindsay commented that New York could provide some 50,000 to 75,000 additional public service jobs if the funding was available.

As the second major requirement of H.R. 3613 stipulates, public service employment funds are not to be used to create dead-end, "leaf-raking" jobs. Rather, these will be positions which will assist States and local communities to meet the need for basic and improved public services while, at the same time, providing essential employment for unemployed persons. Persons who might otherwise be straining the welfare rolls could serve in such areas as sanitation, educational and nurses aides, practical nurses, parks and recreation employees and so on.

Mr. Chairman, the unemployment situation is especially critical in our urban areas—localities which are already plagued by so many social and economic ills. In April a New York Times article reported that the unemployment rate in the New York-New Jersey area increased by some 41 percent last year while the increase for New York City alone was 33 percent. In March of this year the unemployment rate in New York City was 5.1 percent whereas last year it was only 3.5 percent. Particularly hard-pressed are blacks and Puerto Ricans and their rate of unemployment is usually well-above the overall rate.

Relief does not appear to be in sight and we cannot afford the luxury of waiting until the administration's highly touted but meaningless solutions are effected. We must act now and enact the legislation being considered today. Not only will this measure benefit the unemployed by providing useful jobs at decent wages but it will also furnish our statehouses and city halls with the manpower required to deliver urgently needed community services.

Furthermore, we must avoid any crippling partisan substitutes or amendments and enact H.R. 3613 in its original form as reported, by more than two to one, by the Education and Labor Committee.

Mr. Chairman, passage of the Emergency Employment Act is long overdue. The thousands of unemployed Americans are the tragic byproducts of our economic problems and their plight cannot be ignored. This measure is not intended as a panacea to immediately solve the entire unemployment crisis or to prevent future employment problems. It is, however, a stopgap measure designed to provide temporary relief for a relatively short period of time and its unique formula assures that it will be required only in periods of economic recession or depression. This bill is primarily aimed at dealing with the national emergency created by the crisis of unemployment and the collapse of vital public services

in our Nation's cities. It is just one element of what must be a more comprehensive and broader-based program aimed at halting spiraling unemployment and economic dislocation.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wish to congratulate the gentleman in the well for the excellent statement he is making. He proves with the statistics that he has cited more eloquently than anything anyone else around here has said and has demonstrated indeed that the substitute bill is a cruel hoax. My colleague from Michigan did not want to yield, but I want to ask him whether or not the manpower bill that he proposes creates any new jobs. What the manpower bill does is to promise nonexistent jobs. The gentleman from New York is correct in his statistics.

The way to deal with this problem is not to ignore it. The Daniels bill actually creates 150,000 new jobs in the public sector. I congratulate my colleague for his excellent statement.

Mr. BADILLO. I thank the gentleman.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Michigan.

Mr. ESCH. It is not true that the substitute bill would not create jobs. I refer specifically to title III of H.R. 8141. There is a provision in the substitute for $500 million for public service jobs in the first fiscal year. It is left to the discretion of the local units of government as to how that money is spent, and I would submit that that is where the decision should be rather than making decisions as we now have in an uncoordinated program from Washington.

I reject categorically the gentleman from Illinois suggesting, No. 1, that it is a cruel hoax, when the facts are to the contrary; No. 2, trying to use the veterans issue one way or the other. It is very clear from the record as to what the two bills will do in terms of impact on veterans. The issue should be in terms of total needs of this country. Lets debate the facts, not wild charges. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield the gentleman from New York 2 additional minutes.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The very statement made by the gentleman from Michigan, the sponsor of the substitute, proves what a cruel hoax this substitute is. He may twist and turn any way he wants. He knows the manpower bill would not create jobs.

The manpower program is to train people for jobs, but this does not create new jobs. The gentleman has consistently refused to yield to have me ask him the question as to what new jobs he believes he is going to create in the substitute manpower bill he brought to this floor.

Mr. BADILLO. Mr. Chairman, I want to say at this point particularly I am very pleased to note that this legislation treats Puerto Rico on the same basis as the 50 States. Unemployment in Puerto Rico has reached disastrous proportions and no relief is in sight. As I mentioned in my speech last month, the official unemployment rate for the island is 12.2 percent, a rise of almost 2 percent over the past year. However, if you consider those who have despaired of finding employment and have dropped out of the labor force altogether, the realistic unemployment figure approaches 30 percent. The problem worsens almost monthly with additional plant closings and layoffs. As a consequence, even the employment which had been generated by Fomento—the Commonwealth's economic development agency—has declined. Last year the current economic crisis in the island resulted in a net loss of 1,800 jobs fostered by Fomento, a decline of 2.7 percent. Clearly, Puerto Rico must be a full participant in this emergency employment program.

Mr. Chairman, the tragic facts have been lain before us and we must regretfully acknowledge that 4.7 million of our fellow citizens were unemployed last month, more than 1 million of whom were unemployed for 15 weeks or more. The average duration of joblessness is almost 11 weeks—a trend which the Labor Department reports has moved upward. These men and women must be afforded all possible assistance and we have a clear responsibility to meet their needs. I urge that this legislation be favorably acted upon and that a workable program be formulated and effected at the earliest possible date in order that the vicious spiral of unemployment be halted and that our cities and States be given the opportunity to restore basic services to their citizens.

Mr. QUIE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I wish to compliment the previous speaker, the gentleman from New York, and to point out that in terms of the substitute bill it likewise has a direct effect upon Puerto Rico. In fact, it allows for almost double the funds they have now in terms of the manpower training program. It treats Puerto Rico as I believe many of us feel Puerto Rico should be treated, as a State equal with other States.

Again I compliment the gentleman from New York for his interest in Puerto Rico.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I am happy to yield now specifically for a question to the gentleman from Illinois.

Mr. PUCINSKI. Would the gentleman be good enough to show me where in his legislation provision is made to phase out existing manpower programs, for which he is proposing $500 million, to specifically create new jobs; and, which manpower programs does he suggest be dropped to create these new jobs?

Mr. ESCH. I would advise the gentleman from Illinois that under both the substitute bill and the committee bill there are no appropriations of funds. Both are authorization bills. Both would require the Appropriations Committee to recommend appropriation of funds, before either bill can be enacted for operation. So on that basis it is very clear that in any case the problem will not be resolved until the House acts further in terms of appropriations.

It should be further pointed out that on page 22 of the substitute there is given specific phaseout capability in relationship to the local units of government in accordance with the terms of termination and in relationship to the recipient government which would give a full year, until December 31, 1972, for phasing out existing programs.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. ESCH. I believe the point should also be made once again, in terms of response—the gentleman has asked me to respond directly in terms of veterans—that neither bill provides jobs until the Appropriations Committee acts.

Under H.R. 8141 it provides for an authorization of $500 million for the first year. Under the committee bill it provides for $200 million for the first year, in both of which funds would have to be appropriated. So it is obvious in one case or in both cases that the veterans would be affected by this legislation.

Mr. QUIE. Mr. Chairman, I yield such time as he may use to the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I rise in support of the Esch amendment. We who are among those whom Mencken once called the "chronic hopers of the world" have learned to temper optimism with caution. We have learned that it is easier to articulate problem dimensions than problem solutions. We know it is too easy to fall prey to the "Washington syndrome"—the simple-minded theory that social problems will simply disappear if the Federal Government throws enough dollars and statute books at them. And we know the cruel and exaggerated rhetoric of unkept promises can threaten the credibility of Government.

We have embarked on a great new mission of reform—redefining for our own age the meanings and functions of the Federal system—issues of organization and procedure, and of the rational allocation of power and responsibility. Our reform effort is proceeding under great pressure.

The whole point of reorganization, of grant consolidation, of grant streamlining and decentralization is to reverse the topheavy trend of governmental programs. Our effort proceeds from the premise that further proliferation of programs without comprehensive structural reform will be counterproductive in the worse sense because Federal dollars will not alleviate the human needs for which they were targeted.

Categorical programs by themselves too often encourage a narrow view. They focus on a specific product to the detriment of the needs of the group to be served. In the design and execution of public programs, we must have a coordinated strategy.

We believe the local governing units should make the decisions on specific allocations in accordance with a closer perception of need and a more flexible approach. This is the direction in which responsible and responsive government must move.

We seek to strengthen capacity for planning, evaluating, and training personnel for State and local programs.

I agree with President Nixon's statement, in his eloquent message to Congress, when he said:

> By converting the Nation's manpower programs from categorical grants to Special Revenue Sharing, we can play to the strengths of the federal partnership, teaming federal dollars with state and local decision-making.

Within the context of the philosophy of revenue sharing, which I support, the manpower revenue-sharing proposal builds upon this concept of decentralizing manpower responsibilities.

Overall, Mr. Chairman, this proposal is designed to give more effective help to those who need it, and to give Americans full return for their tax dollars spent on manpower assistance in the years ahead. While building on the best experience of past manpower measures, it introduces bold new concepts to make our national manpower system more effective.

The committee bill, H.R. 3613, provides for public service employment opportunities for the unemployed. Just that. Nothing more. It simply adds that assistance category to those already in existence.

On the other hand, Mr. Chairman, the Esch substitute bill restructures manpower programs generally, as suggested in the revenue-sharing proposal, and includes public service employment as one component part of the entire program.

This is a new approach in funding, basically following earlier block grant concepts combined with the manpower revenue-sharing proposals of the President. It consolidates a dozen narrow categorical manpower training programs into a single, flexible approach. It decentralizes the administration of the program by giving the States and local government units control over the design of their local programs in order to meet local conditions and circumstances.

By emphasizing training, counseling, and placement, the Esch substitute works to move those persons into permanent jobs in either the public or private sector, freeing the public service employment slots for other unemployed persons. Under the committee bill, it is possible for persons to stay indefinitely on federally subsidized public employment.

The Esch substitute allows the local authorities to make determination as to what kind of program they will utilize. At their discretion, they may employ any or all of the existing programs, but the decision is left at the local level where it belongs. The Department of Labor would stand ready to provide for staff functions of labor market information, staff training, and technical assistance under the program developed locally.

My distinguished and wise colleague, Mr. ESCH, has posed the real question before us today: Are we going to add one more narrow categorical program, namely, public service employment, to the existing hodgepodge, admitting that it does not solve the unemployment problem, when committee statistics show it will cost $5 billion and solve but 3 percent of the problem? Or, is this House going to take this opportunity to reform manpower training totally?

It is my sincere hope that we will take this opportunity to restructure our confused, overcentralized, unresponsive present programs into a delivery system that will meet the needs of the local community and of the unemployed individuals.

It is my sincere hope that this House will adopt the Esch amendment.

Mr. QUIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am going to yield additional time later on to the gentleman from Michigan (Mr. ESCH) so that if the gentleman from Illinois (Mr. PUCINSKI) wants to ask any questions, he will have a chance to do so, because we have enough time, but I want to take a few minutes here today to speak in behalf of the Esch substitute.

As I said the other day when this matter was before us, I would have preferred that we had considered the manpower programs all together with the public service employment bill and had hearings on those and brought out one big package, just as we did last year. However, that opportunity was not provided to us. The other day, however, we changed the rule which permits us to offer the Esch substitute, so we now have it before us. It is not that we never considered these matters before, because we did consider them last year and held extended hearings on manpower legislation then.

What this all boils down to is that the manpower programs are not effective today. They are not effective primarily because we are trying to find people to fit into slots in Federal programs. We need to revise our programs now that they have been in operation for a while so that programs can be developed to meet the needs of the people of each community. That means that we have to shift away from the strict Federal enforcement and administration as we did in the past where grants are requested from a Federal agency. Instead of that, the programs must be administered by the States, and we provide in some of the larger communities by the cities as well. My own preference is that all programs should operate through the States.

My colleagues who have listened to me for the last few years know that I believe the administrative unit should be the State, through which all Federal domestic programs of this nature will operate. However, because of the fact that many cities are burdened by special problems and have not had good experience with the State in the past years that they feel they should be directly funded. In the larger cities the mayors may administer programs, as Governors are permitted to do in the Esch substitute.

I note many groups, especially in the field of vocational education, have had experience with the States. This is ordinarily a branch of the State department of education in each State. But they have not had the same experience with mayors. It is of extreme importance that programs be developed on the local level. Who else can you turn to but the person who is elected as the chief of a municipality, the mayor, to assume that administrative responsibility? It is not that he himself will be personally deciding every on-the-job training program or every other program that is available under the authority of the Manpower Development Training Act, under title I of the Economic Opportunity Act, but, rather, that he would set up his own local agency to do so.

The Esch substitute takes into consideration the language that he "shall make maximum feasible use of the existing educational institutions having a training capability such as—but not limited to—area vocational schools, technical institutes, junior and community colleges," recognizing that this would be a concern to some people. That is why that specific language is placed in the Esch substitute so that every Governor and mayor would know that is the intent of the legislation.

Mr. Chairman, the question has been raised about phasing out the present manpower programs into this new proposal of so-called special revenue sharing for manpower. This has been a concern to a number of people. But the gentleman from Michigan indicates on page 22 of H.R. 8141 in the language contained therein language which indicates that the new program will go into effect on January 1, 1972.

However, it will be the end of that year before the repeal of the existing legislation would take full effect. Any State or municipality which is qualified can move quite quickly after January 1, 1972, the beginning of the authorization contained under this new legislation. However, if they do not want to move as quickly as that, present programs can go on, not only until the end of the next fiscal year 1972, but the first 6 months of the fiscal year thereafter.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2 additional minutes.

Mr. QUIE. Mr. Chairman, one would expect that there would be a transitional period from January 1 until the end of

the fiscal year. However, the substitute provides that a full year is available in order that the transition period may be handled as wisely as possible and the States and municipalities would be able to handle their programs in an orderly fashion.

If we should find during the course of the consideration of this legislation that it finally would take additional time to get this worked out, and additional time would be needed, I do not think there would be any difficulty to get such time as is necessary in order that the transition can be made.

But, Mr. Chairman, I think it is of the utmost importance that we really move away from the hodgepodge of manpower programs that now exist, which definitely need coordination among the various prime sponsors who administer the programs locally, and where a truly coordinated program could be established locally so that there would be knowledge on the part of the unemployed and underemployed and returning veterans as to just what programs would be available to them and specifically designed to meet their needs.

Mr. Chairman, I think there is a likelihood that most need is for training for the kind of jobs that now exist. Under the substitute the States and municipalities also could develop public service employment jobs for a period of time so that work experience could be gained and the utilization of the skills unemployed have learned could be used on a job, a public service job, until a nonsubsidized job is available. In other words, the public service job can be used as a work training program and thereby they could substantially reduce the unemployment and the underemployment that now exists in this country. In many communities and States the Esch substitute would no doubt be used for straight public service employment, but it must be transitional.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I rise to support the bill which has been submitted by the gentleman from New Jersey (Mr. DANIELS), the distinguished chairman of the Select Labor Subcommittee, and at the same time to oppose the substitute bill sponsored by my distinguished and very able colleague on the other side of the aisle.

Mr. Chairman, I do this with regret because the new careers program, which is at the very heart of this substitute bill and which I sponsored 6 years ago, enjoys excellent bipartisan support.

So it is with a great deal of pain and regret that I must oppose the bill. I do it on two grounds. The minority bill presupposes a program for general revenue sharing for employment training programs. First, I share the general skepticism in Congress about an approach which would separate the power to tax from the power of spending. I have great skepticism about a program by which the Federal Government raises money, and then distributes it to States and municipalities to spend without sophisticated, comprehensively designed Federal guidelines.

And, second, there seems to be no evidence whatsoever that the States or the municipalities of America have sufficient understanding of the needs of the unemployed, and particularly the hard core structurally unemployed, to justify confidence that they could spend such funds effectively without Federal guidance.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I believe the gentleman from New York is making an excellent point.

The American Vocational Association in opposing the Esch substitute mentions as one of its reasons for opposing that bill the facts that—

1. H.R. 8141 repeals the existing manpower legislation. At the present time, that legislation provides funds for State educational agencies to implement manpower training programs; it provides for in-service training of teaching personnel; it funds skill centers and other institutional training programs conducted by vocational education personnel. The Esch substitute gives no assurance that these would be continued under Manpower Revenue Sharing.

2. H.R. 8141 totally lacks the assurance of educational quality which was contained in last year's Steiger Bill, H.R. 19519, the Comprehensive Manpower Act which the House of Representatives passed overwhelmingly (275–80) with the full support of the AVA, the Nixon Administration, and the Majority and Minority leadership of the House Education and Labor Committee.

The very principles that the gentleman in the well, Mr. SCHEUER, has fought so long to include in previous manpower bills, would all be negated and washed out by the substitute bill.

So, Mr. Chairman, I believe the gentleman in the well is making an excellent point on that score.

Mr. SCHEUER. Mr. Chairman, I thank my colleague, the gentleman from Illinois (Mr. PUCINSKI).

If anybody wishes to look for an institution that has been least sensitive to its real constituency and most blind to the real needs of society, one does not have to look further than the State Employment Services. These institutions are recruiters for the corporations and the businesses in the States in which they function. They have sought to screen out by means of over-credentializing and excessive experience requirements, those whom they deem to be least able quickly to attain proficiency in employment. Therefore they have not aimed mainly at serving the needs of those who are suffering from extended unemployment, but have instead aimed their services toward the needs of the business community. Thus they have hardened the problem of the long-term structurally unemployed, and have to a large extent been responsible for the desperate problem which this group finds itself in today.

Mr. Chairman, one thing we have learned from the early days of the poverty program is that you do not achieve very much by just having training programs which give the job trainee a hunting license to find a job. That is particularly true when jobs in the free enterprise sector are extremely few and far between. Indeed, all too often we put an unemployed person through a training program, after which he has the frustration of not finding a job and must go through another training program and perhaps yet another training program. We not only offend the job trainee who cannot find a job and those who have confidence in the business of training people for employment, but we also offend, and rightly so, our Republican colleagues. They point out there is very little sense in programs that spend billions of dollars training people without ever finding jobs at the end of the pipeline. That is a wasteful process, both from the point of view of the spending of funds and from the standpoint of the frustration, disillusionment, and alienation of people that is created because they went into a training program in good faith and could not find a job.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from New York has made a magnificent analogy here by calling attention to "hunting licenses" for a job. That is the very guts of the difference between the Daniels bill and the Esch bill.

Mr. SCHEUER. Of course, it is.

Mr. PUCINSKI. The Esch bill provides no jobs. It is just like giving somebody a hunting license during the off season when you cannot go hunting. That is what it amounts to.

Mr. SCHEUER. Absolutely. This frustrates the people.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman.

Mr. DRINAN. Mr. Chairman, at this time I would like to introduce a very important letter which has arrived at all our desks this morning from the National League of Cities and the U.S. Conference of Mayors:

MAY 28, 1971.

Hon. ROBERT F. DRINAN,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN DRINAN: The Emergency Employment Act of 1971, H.R. 3613, will soon come to the House floor for a vote. On behalf of the National League of Cities and the U.S. Conference of Mayors, representing the nation's mayors and city officials throughout the country, we urge you to vote for this bill as reported out of the House Education and Labor Committee. A similar measure was passed earlier this year in the Senate with a bi-partisan vote of 62–10. The passage of this legislation in the House is critical to the nation's cities, both large and small, since the unemployment picture worsens each month. Today, on the one hand, thousands of our citizens are without jobs and on the other hand municipal services in the areas of sanitation, law enforcement, fire prevention, health and the like, are direly needed and presently not being provided. The need for the services, the jobs, are there. The

unemployed people are there. The element missing and critically needed at this time is federal funds to put unemployed citizens to work immediately within municipalities throughout America performing worthwhile tasks for all. H.R. 3613 authorizes these needed funds for public service jobs by providing $200 million for the current fiscal year, $750 million for FY 72, and $1 billion for each of three succeeding years.

The unemployment problem now confronting mayors at the local level cannot be overemphasized. It goes beyond those on welfare. Returning Vietnam veterans, recent lay-offs resulting from shifts in federal expenditures causing a loss of jobs in certain areas, the overall shortage of jobs in the private sector, coupled with the hard core unemployment problem that many cities faced all along, means the picture is bleak. With this background in mind, an affirmative vote in the House on H.R. 3613 is a major legislative goal of the Conference and the League.

The parliamentary situation is complicated, however, by the offering of the Esch substitute, H.R. 8141, described as being backed by the Administration but significantly different from the grant consolidation proposal made by the Administration.

In our view, the Esch substitute should be rejected for the following reasons:

1. It fails to provide new money above and beyond funds authorized for conventional manpower programs. While H.R. 8141 would permit a public service element, the need cannot be met at the expense of ongoing programs, but must be authorized *on top of and in addition to* the already short funded manpower programs.

2. It seriously jeopardizes the shift of responsibility for conducting manpower progams from the federal to the local level. A key principle in manpower legislation adopted by the Congress last year and incorporated by the Administration suggested reform legislation this year is that local government should exercise control over the shape and direction of local manpower programs.

3. We are concerned over the funding formula contained in the Esch substitute. Secretary of Labor James Hodgson testified on May 6 before the Senate Subcommittee on Employment, Manpower and Poverty that his Department is having great difficulty in developing a formula to assure individual cities that their existing funding allocations will not be reduced. With the cities' need for funds in this area, (for current programs and public service jobs) staying even is unacceptable. Therefore, we are unable to endorse any formula until the Administration presents a clear reading of how such a formula would be applied.

Under these circumstances, the National League of Cities and the U. S. Conference of Mayors calls upon the Congress to enact H.R. 3613 without the Esch substitute.

Sincerely,

SAMUEL V. MERRICK,
*Director, Congressional Relations.*

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, it is quite obvious why the mayors have taken this very strong position. Coming from a big city, I can fully appreciate the tremendous difficulty that they are in. They have dozens of young people this summer who are looking for jobs.

Mr. SCHEUER. And thousands of graduates of training programs who cannot find jobs.

Mr. PUCINSKI. That is correct. That is why these mayors are issuing this very fervent appeal to this Congress to move now on the Daniels proposal and create these 150,000 jobs immediately. The consequence and the alternative to failing to produce jobs, meaningful jobs, for these young people will mean a great tragedy to this country. That is why these mayors have taken that position.

Mr. SCHEUER. I could not agree with my colleague more. It seems to me, if we believe in the rhetoric that work is good; that employment leads to self-respect, independence, and renewed self-esteem; that education and job training will lead to a new life, then we had better put some meat on the skeleton of our intentions and put some funding where the rhetoric is to provide jobs that are going to lead to that renewed self-esteem and self-respect.

Mr. Chairman, H.R. 3613 will generate 150,000 necessary, decently paid public service jobs linked to the fiscal needs of local government and the income needs of the unemployed. This legislation is not a panacea, nor a substitute for appropriate monetary and fiscal policy. But it is an essential tool in dealing with a prolonged crisis of unemployment. Since early 1969 the unemployment rolls across the country have been growing almost unchecked, affecting millions of workers in every State in the Union. Over 5 million workers are now unemployed. The national unemployment rate has been running at 6.2 percent in December, 6 percent in January, 5.8 percent in February, 6 percent in March, and 6.1 percent in April. Fifty-two of the 150 labor markets with a central city population of 50,000 or more have an unemployment rate of 6 percent or better, the highest such total since May 1962—almost a decade. The annual average jobless rate in the New York-New Jersey metropolitan area alone increased 41 percent in 1970.

Ironically, our committee heard extensive testimony about the vast number of public service jobs in State, county, and municipal governments that are going unfilled because of a lack of revenue. Hundreds of thousands of positions in public safety, environmental protection, health care, recreation, and education, to name just a few, are available across the country. While the downturn in economic activity has led the private sector to freeze or cut back its employment levels, public agencies face an increasing demand for services which require countless new positions. Six years ago when I sponsored the new careers program by amending the OEO legislation, an OEO commissioned study found that 4.3 million para-professional jobs could be filled in public service activities, 470,000 in the first year alone. Yet these job openings remain unfilled while millions of Americans, including experienced professionals as well as the untrained and disadvantaged, are unemployed.

So our committee proposes a national program of public service employment to match these unfilled jobs with those who are unemployed and seeking work. This measure would provide an immediate, substantial, and flexible response to an emergency situation. Other measures must be taken to reverse the slump in economic activity which is the root cause of the high level of unemployment, but in the meantime there is a crying need for an immediate job creation program to meet the needs of millions of unemployed.

This legislation authorizes $200 million for fiscal year 1971, $750 million for fiscal year 1972, and $1 billion for each of the 3 succeeding fiscal years for the Secretary of Labor to meet the full cost of providing jobs giving needed public services. The money would become available whenever the rate of national unemployment equaled or exceeded 4.5 percent for 3 consecutive months. This tie-in with the unemployment rate, referred to as a trigger mechanism, is a concept that has its origins in the administration's proposed Manpower and Training Act of August 1969. It has been further refined in this bill to include a special employment assistance fund to target $250 million a year at those areas with rates of unemployment which equal or exceed 6 percent for 3 consecutive months.

Thus, the Secretary of Labor is authorized to make funds available only when there are periods of high unemployment—4.5 percent or greater—across the Nation, or when specific areas such as central cities are suffering from a 6 percent or greater jobless rate. In April 1971, 739 labor market areas would have qualified as applicants under this latter provision.

The legislation spells out in some detail how applicants for these funds would be required to utilize them. Persons employed under the act must be paid at least the minimum wage or the prevailing rate of pay for that job in the same area, with a maximum rate of $12,000 a year. This provision would insure that a wage earner would receive at least $3,328 a year, which is still almost $500 below the poverty level for a family of four, and thus is an irreducible minimum.

The bill gives preference to hiring veterans of the Armed Forces, a preference they well deserve. Unemployment rates among returned Vietnam veterans are among the highest for any category of workers in the country. Each applicant must provide assurances that preference in filling public service jobs be given to persons who served in the Armed Forces in Indochina or Korea after August 4, 1964. Additionally, the applicant is required to make a special effort to acquaint such individuals with the program, and to coordinate his activities in this regard with those of others performing job counseling and employment services for veterans. This special attention to their needs is one important way to repay them for their service to their country in a dirty, faraway war.

The bill also includes typical "new careers" provisions to assure that the jobs for which funding is authorized are quality jobs with good prospects for advancement and upgrading. There is a strong emphasis throughout the bill on

placement in jobs in expanding occupational fields, and on linkages with other manpower programs. These provisions are aimed at preventing the creation of dead-end, leaf-raking type jobs. They also encourage public agencies to provide work experience for these new employees which will increase the likelihood of their being moved onto regular public payrolls or into private industry if the employment program is curtailed.

There are also provisions in the legislation which require applicants to eliminate barriers to employment, including their own city or State civil service job requirements which restrict employment for the disadvantaged. We have learned through the new careers program that one of the keys to success of any job creation program is the removal of unnecessary credentials and experience requirements which keep employees, particularly the disadvantaged, from moving beyond entry-level positions. The elimination of these artificial requirements can clear the way for hiring and advancement of new employees in thousands of positions that are not dead-ended throughout the public service.

This is a sound, carefully constructed bill. The concept of public service employment supported by the Federal Government has been endorsed in principle by the President, major labor unions, and a variety of experts in the field of manpower. The national level of unemployment has been at such high levels for such an extended period of time that an immediate program of action is desperately needed. Unemployment is at a 9-year high. Duration of unemployment is now averaging 10.9 weeks, the highest figure in over 5 years. Despite some indications of the beginning of an upturn in the economy, these unemployment figures are persistent and show no signs of lessening. The May 29 issue of Business Week, for example, using an econometric model prepared by the Wharton School of Finance, forecasts a general economic recovery this year, but still predicts that unemployment will remain between 5.5 and 6 percent by 1972.

Traditional Federal manpower training programs are not enough when there is an inadequate number of jobs to be filled. Appeals and incentives for the private sector to hire, train, and keep employed large numbers of unemployed have had pathetically limited success. It is highly probable that in these times of slow economic growth, the private sector, even with the best of intentions and support from the Federal Government, cannot find enough jobs in its production, commercial, and service activities to employ a large number of the unemployed. Yet local governments stand ready to employ hundreds of thousands of persons in jobs which are vital to the functioning of society and the economy.

The Republican members of the Education and Labor Committee argue that a public service employment program should only be enacted as a part of a comprehensive revision of all manpower programs of the Federal Government. They would like to see such a job creation program, but only when it is neatly dovetailed with the $2 billion special revenue sharing for manpower. I submit that we cannot ask millions of unemployed to sit on their hands while the Federal Government reorganizes and does some housecleaning. These revenue-sharing proposals are deserving of study, but the speediest possible action would not bring such legislation to the floor until next year. In the meantime, we can and must act on the thoroughly studied public service employment program. A similar proposal was contained in the comprehensive manpower bill passed by the Congress, but vetoed by the President last year. In the event a manpower revenue-sharing bill is enacted, the public service employment program could be easily integrated with it. The potential jobs are there, the unemployed are immediately available, and the need for increased public services has been clearly established. I urge my colleagues in the House to lend their support to this important program which will give greatly needed help to our Nation's unemployed and our struggling public services.

Mrs. GRASSO. Mr. Chairman, H.R. 3613, the emergency employment bill before us now, is not offered as a panacea.

Today there are about 5 million Americans out of work. Unemployment reached 6.1 percent in April, the second consecutive monthly increase, and brought the jobless rate to its highest point since December, when unemployment reached a 9-year high of 6.2 percent. In Connecticut, the rate of unemployment is 8.4 percent, well above the national average. And in the Sixth District, which I represent, there is 21.5 percent unemployment in the city of Bristol, and 12.1 percent in New Britain and the Torrington area.

Under the provisions of this bill, the present level of unemployment would authorize the use of $1 billion in fiscal 1972, and $1.25 billion in fiscal 73, enough for approximately 150,000 public service jobs.

The Kerner Commission recommended the creation of 1 million public service jobs in 1968, at a time when about half as many people were unemployed.

It is interesting to point out that in 1939 this country, with a population of around 125 million, was providing 4 million public service jobs. This program produced many constructive results, beyond and apart from providing employment for people who were in desperate circumstances. Today we are talking about a bill involving about 150,000 jobs in a country almost twice as large, with a gross national product several times as great.

Of course 150,000 jobs will not solve the crisis of unemployment, yet we must act now in a positive way to assist those Americans who want to work and find it impossible to locate a job.

Public service employment is very broadly defined in the bill. Examples of jobs include police and fire protection, sanitation, transportation, recreation, education, conservation, housing and maintenance work.

Along with the principal benefit of this legislation which is providing jobs, runs another of almost equal importance. All the persons employed under this act will be engaged in the provision of public services to people. Communities will be able to expand health and education programs as well as increase their recreational facilities. The bill specifically calls for employment in areas likely to expand when the economy picks up.

Experience has taught us that even in times of high employment there are men and women who cannot find a place in private industry. This is particularly true for those over 45, and these older workers not only include the unskilled or low paid, but also the individual who has worked in a high paid job for 10 or 15 years and has been laid off during a recession. In many instances he will not be hired back and is finding it extremely difficult to get a job. There also is the younger worker from 18 to 25 without a college education who finds it hard to get an entry job in private industry. And the problem is still more distressing for members of minority groups.

High unemployment not only hits the individual pocketbook, it also diminishes the State and local revenues. The tax base is injured, retail sales are curtailed, forcing a cycle of increased layoffs. All of this causes cutbacks in the basic municipal services. Just last week I received a letter from a city councilman advising me that the entire physical education and recreation program of the school system was threatened for the coming school year due to the severe budgetary limitations placed on his city owing to the economic crisis.

This bill will only provide funds for the manpower to reinstate many of these services, but it will also put money back into the tax base to create a multiplier effect, thus stimulating more employment.

This bill is also carefully designed to trigger itself on and off according to specific economic indicators. It becomes operative after the unemployment level has been as high as 4.5 percent for 3 consecutive months and shuts off when the level falls below 4.5 percent for 3 consecutive months.

In addition to the nationwide 4.5 percent indicator, the bill authorizes a special employment assistance fund which would be used to create public service employment programs in specific localities where the local rate of unemployment is as much as 6 percent for three consecutive months. This special fund would continue to operate in those designated localities even if the national rate fell below the 4.5-percent figure. The provision is of great importance to me and a number of my colleagues who represent areas so devastated by unemployment that even when the national rate falls below 4.5 percent we can expect a long period of substantial unemployment above 6 percent.

I should emphasize that this legislation does not contemplate "leaf-raking"

jobs. There are hundreds of thousands of vitally needed public service positions that are unfilled for lack of local revenues. There will be no necessity for jobs to be invented. The real needs will far exceed the entitlements available under this act.

Obviously the answer to every employment problem is not an automatic increase in the amount of public service jobs. However, this bill fills an immediate and necessary need and strikes a sound proper balance with all our efforts to deal with unemployment.

These jobs are not make work, they are badly needed public services. I urge that we pass this legislation, for people desperately need the jobs that are being considered here. For some, it is a matter of survival; for all it is a matter of human dignity. We need public employment and we need it now.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

(Mr. ESCH asked and was given permission to revise and extend his remarks.)

Mr. ESCH. Mr. Chairman, at the outset I think it should be recognized that if there is any cruel hoax that has been presented, it may well be in the extent to which the committee bill would deal with the problem of unemployment in this country. The committee has admitted that it would create 150,000 jobs. We know there are somewhere between 4.8 million and 5 million unemployed. So by their own admission the committee bill will solve less than 3 percent of the problem. Yet they suggest that the emergency employment bill is the answer to the problem of unemployment in this country.

I suggest to you that the only answer is to begin to restructure the current hodgepodge of manpower training programs in this country into a meaningful delivery system, to give strength to the local units of government to develop manpower training programs that meet the needs of the local communities.

Second, during the presentation of the previous speaker, reference was made to the National League of Cities and the U.S. Conference of Mayors' letter which the Members received. I, too, have received that letter and I think that it should be explained to the Members of the House the great misunderstanding that is in that letter as it pertains to the substitute bill.

The letter states:

> * * * the Esch substitute should be rejected for the following reasons:
>
> 1. It fails to provide new money above and beyond funds authorized for conventional manpower programs.

The letter is completely mistaken in that sense, in that the substitute bill does provide $500 million when the rate of unemployment goes over 4½ percent nationally, as opposed to $200 million the first year in the committee bill.

I think it should be clear that the letter has a major misunderstanding in that funds are authorized, are indeed authorized under the substitute bill. Let me remind the Members of the House that in both bills it is an authorization, not an appropriation.

The second point made in the letter is as follows:

> 2. It seriously jeopardizes the shift of responsibility for conducting manpower programs from the federal to the local level. A key principle in manpower legislation adopted by the Congress last year and incorporated by the Administration suggested reform legislation this year is that local government should exercise control over the shape and direction of local manpower programs.

Mr. Chairman, this specifically is what the substitute does. The committee bill only allows local control in public service employment. It continues on central Federal control by categorical programs of all other manpower training programs in the country. The substitute bill does provide—emphatically—for that key principle alluded to in the letter from the National League of Cities and the U.S. Conference of Mayors; that is, that local governments should exercise control over the shape and direction of local manpower programs.

The letter then concludes:

> 3. We are concerned over the funding formula contained in the Esch substitute.

Then it goes on to suggest:

> With the cities' need for funds in this area, (for current programs and public service jobs) staying even is unacceptable. Therefore, we are unable to endorse any formula until the Administration presents a clear reading of how such a formula would be applied.

In the debate on the rule in the previous week's discussion I made it clear, and the administration has made it clear, that under the substitute bill no local communities and no State will receive less funding than what they are receiving now. Indeed, in virtually every case they will be receiving more funds than what they are receiving now. I think it should be clear not only that the substitute bill is an open-ended authorization, but that the administration is committed to spend substantially more funds. It is not just an authorization; they are committed to spend more funds during the fiscal year to see that the substitute bill is implemented.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has expired.

Mr. QUIE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ESCH. Mr. Chairman, I believe it is clear, from the standpoint of misinformation given in the letter from the National League of Cities and the U.S. Conference of Mayors that, first of all, new funds are provided in all cases; second, the substitute bill rather than the committee bill is the one that gives local control; third, the formula is so devised that no city will receive less funds and indeed they almost always will receive more funds.

I should think that the Members of this House would go back to their mayors and say to their mayors the only answer is to accept the substitute bill to get on with the problem of solving unemployment in this country, not a demagogic approach of solving less than 3 percent of the problem but a realistic redirection of our manpower training programs so badly needed which can resolve the crisis we face.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I should like to ask the distinguished gentleman from Michigan whether he could have for reproduction tomorrow a complete clarification by Samuel Merrick of his letter dated May 28. I have received everything from the National League of Cities and the U.S. Conference of Mayors, and have the greatest reliance on it. It seems to me, unless Mr. Merrick has erred seriously there is a profound misunderstanding here. It seems to me we have to rely on this unless by tomorrow morning we have a complete repudiation by Mr. Merrick of what he said here.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Michigan.

Mr. ESCH. I would respond to the gentleman by saying that is the responsibility of Mr. Merrick and not my responsibility. I should surely hope, given the misunderstanding that is contained in the letter from Mr. Merrick, that he would want to clarify for the Members of the House the great misstatements that are contained in the letter, as I have enumerated.

I surely would hope that the gentleman who wrote the letter would want to clarify that for the benefit of Members of the House. I have indicated specifically the facts related to the three objections. I believe it is very clear that on the basis of information in the letter there is a major misunderstanding.

Mr. QUIE. Mr. Chairman, I yield myself 1 minute.

I have no further requests for time. I should like to ask the gentleman from New Jersey if our understanding is correct that this is the end of the debate for today?

Mr. DANIELS of New Jersey. The gentleman from Illinois desires additional time, which I am inclined to grant. After that I propose to ask that the Committee rise.

Mr. QUIE. Mr. Chairman, how much time does the gentleman from New Jersey have remaining, and how much time do I have remaining?

The CHAIRMAN. The gentleman from New Jersey has 17 minutes remaining and the gentleman from Minnesota has 32 minutes remaining.

Mr. QUIE. Mr. Chairman, I will reserve the time, but I will have the understanding with the gentleman from New Jersey as stated to him privately, that tomorrow I will only use the amount of time that he has remaining. So even though there is a disparity as to the amount of time, we will go into the debate tomorrow on an equal basis.

Mr. DANIELS of New Jersey. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, the response by the gentleman from Michigan to the request by the gentleman from Massachusetts for an analysis of the letter by the League of Cities was understandable. Obviously he could not elaborate on that letter because that letter is correct on all fours.

It is quite obvious from the debate today that everybody is out of step except our good friend from Michigan, the sponsor of the substitute. The League of Cities is out of step, is confused and misled. The ADA is out of step, confused and misled. Everybody is wrong.

The fact of the matter, in this whole debate, is that the gentleman from Michigan must admit that, no matter how much he wants to twist and turn on this bill, it just will not provide the new jobs we need for our unemployed workers.

The fact is that the Daniels bill sets up funds for immediately creating 150,000 public service jobs in this country so that people can go to work immediately. The difference in the Esch bill is it restructures the whole manpower program and sets up $500 million for the entire program. The gentleman has been unable to tell us which present manpower program he wants to phase out in order to create funds to create new jobs. No programs are going to be phased out and no new jobs will be created. If the House is foolish enough to fall for this substitute bill, we will not have created one new job in this country, and the gentleman knows it.

Mr. DANIELS of New Jersey. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman pro tempore of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3613) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, had come to no resolution thereon.

## PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the legislative branch appropriation bill.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## BENEFITS OF NONZONING IN HOUSTON

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CASEY of Texas. Mr. Speaker, Houston is the only major city in the United States without zoning. A recent study concluded that the absence of zoning has been beneficial for Houston. The study emphasized that the most important accomplishment of nonzoning is that it results in a greater satisfaction of the housing market than occurs under zoning. In view of the many unfilled housing needs in our country today, I believe this study deserves our attention.

Bernard H. Siegan, a Chicago attorney with 20 years of experience in zoning and real estate law, conducted the study on a fellowship from the University of Chicago Law School. He found that the private market, regulated by relatively few ordinances, has served Houston better than that mixture of planning, politics, and law known as zoning. The community has achieved such traditional objectives of zoning as use separation and esthetics to perhaps the same degree as would have occurred under zoning.

Most importantly, Mr. Siegan found that there has been considerable development of housing and nonhousing facilities which zoning would have prevented or curtailed.

Mr. Siegan believes that zoning is a superfluous and chaotic governmental operation that does not warrant its high cost to community resources. It causes increased rents and contributes to housing problems for families with average and lower incomes. He feels it is absurd and inexcusable that at a time of serious housing shortage, zoning laws exist to perpetuate and compound that shortage.

Mr. Siegan presented the conclusions of his study and talked about current governmental and private efforts in the area of zoning at a meeting in Washington, D.C., May 12, under the sponsorship of the University of Chicago Law School and the Journal of Law and Economics. I attended that meeting, and I would like to insert his remarks in the RECORD:

### ZONING AND NON-ZONINGS TRENDS AND PROBLEMS

(By Bernard H. Siegan)

Much is astir in the world of zoning. The builder or developer who condemned zoning practices that were exclusionary toward his project, now finds himself in very respectable company. The Douglas Commission, several state and local commissions and a host of academicians, planners and commentators have also come to the conclusion that zoning is exclusionary. Legislation has been introduced in the Congress and in many of the states intended to eliminate alleged exclusionary practices toward low and moderate income housing. There are many cases in the courts seeking comparable objectives, and some important decisions on zoning have resulted and are anticipated.

In my remarks this evening, I shall discuss the feasibility and desirability of the changes being proposed to provide relief against so-called "exclusionary zoning," the situation in the courts, and the relationship and relevancy of all this to "non-zoning", the term I have used to describe the system of land use controls in effect in Houston and those other Texas cities which have not adopted zoning. I shall also give a brief description of non-zoning and explain why it is the most preferable form of zoning.

#### CURRENT EFFORTS AGAINST "EXCLUSIONARY ZONING"

The primary push at present to change or amend zoning ordinances has an egalitarian-civil right orientation. It is contended that zoning has been one of the means used to exclude people of lesser incomes from the suburbs and suburban type areas of cities and counties. The objective would be to provide sites for public housing for the poor and some form of public-private housing for the not-so-poor whose incomes are too high to qualify for public housing and too low to purchase private housing available in the area. In other respects, the zoning powers of the municipalities would remain undisturbed—and exclusionary.

In my view, what these proposals will accomplish, in light of the great housing needs of the country, can be considered as almost in the nature of "tokenism"—if I may borrow that term—notwithstanding that some individuals would most certainly benefit from such tokenism.

As a practical matter, the most these endeavors can hope to obtain for a large suburban area are probably no more than several moderate and low income developments, each containing say about 100 to possibly 400 or 500 apartments. If, however, the zoning powers of the municipalities were to be generally curtailed, many more times that number of multiple and single family units would be established for the same area. Although most of these units would be for an average or higher income market, the substantial increase in production and availability will have a much more favorable impact on almost all levels of the housing market, including those for moderate and low income.

Consider with me the many problems involved in building new housing in suburbia for the low and moderate income families.

First, these projects will invariably require government participation, either as owner or subsidizer, because of the substantial costs of both land and construction. There are obviously difficulties in obtaining substantial appropriations for this purpose. Such a program has natural enemies: taxpayers, suburban home owners and non resident middle income groups for whom housing opportunities in the suburbs might be further reduced. But even assuming money is available, government agencies are not likely to make or be allowed to make disbursement indiscriminately without regard to the political consequences. Many of the target areas of suburbia would be able to avoid such housing on the ground that property values would be seriously jeopardized.

The HUD position on the location of interest subsidy housing projects in Houston provides an example of what to expect. HUD apparently has agreed in principle, not to approve sites for such projects in Houston, if they are likely to affect adversely adjoining homes or the neighborhood. State agencies will probably react similarly. As one example, the record of the Urban Development Corporation of New York, a state agency not bound by local zoning ordinances, does not suggest that its policy is any different.

Second is the question of how attractive are the suburbs for those of lesser incomes. Certainly the schools are often better, the environment cleaner and newer, and some places of employment closer. But there are also some strong negative factors. Commercial facilities there are oriented to the consumer taste preferences and credit practices of a higher income level. The absence of public transportation and the ownership of probably one older automobile will reduce considerably the mobility of a lesser income family. Housing is, of course, highly sensitive

to the racial frictions of our society. New kinds of ghettos may be created without the conveniences, familiarities and amenities of the old ones. Given the choice, many may prefer the older sections of the city despite the schools and even with two hours of driving to any from work.

Third, because there are substantial questions as to how great the demand is on the part of low and moderate income families, and therefore how feasible subsidy projects are, private sponsors may not be very plentiful. To accept the required profit limitations and suffer the agonies involved in obtaining FHA approval, the rewards should be relatively certain. As it is, the number of potential sponsors willing to undertake subsidy projects may have been reduced considerably by some adverse experiences. Maintenance, replacement and operating expenses have not infrequently turned out to be far in excess of projections.

Non-profit groups are limited both in number and practical experience and cannot provide sponsorship for very many projects. Therefore, for a substantial amount of subsidized housing to be erected in the suburbs, it would be mandatory for government to sponsor and own most of the projects, which is hardly the result many of us are presently prepared to accept. The average total development and land cost per apartment placed under construction in 1969 in FHA Section 221 below market interest program was about $15,500 in most Northern areas of the country. At this rate, it would cost considerably over one billion dollars to build just 65,000 apartments. These costs are now at least 10% more. Moreover, the administration of the program and the absence of any private incentives would add considerably to the cost.

I worry sometimes that efforts at placing small subsidized housing projects in suburbs will be counterproductive to the goal of creating more housing opportunities. I know of several suburbs that have or are contemplating token-sized subsidized developments, and I fear they will use them as a pretext or perhaps justification to maintain even bigger exclusionary walls toward everyone else. Only the very prosperous and a few poor will thereafter be allowed entry. For one of middle income to move there, he might either have to strike it rich or go bankrupt.

ALL ZONING IS EXCLUSIONARY

However, notwithstanding the problems involved, discussion and analysis of exclusionary zoning has served an important purpose. It has focused attention on the serious problems created by the exclusions perpetrated by and under zoning. Exclusionary zoning is actually a redundancy. Exclusion is the name of the zoning game. The objective of zoning is to exclude certain uses of property and thereby those people who would live in the property excluded. Thus, there is no question that zoning has been the instrument by which thousands upon thousands of apartments for most income levels have been kept out of the suburbs.

It is absurd and inexcusable that at a time when there are numerous unfulfilled housing needs, zoning laws should exist that prevent many from being satisfied. Furthermore, these zoning laws also tend to create and continue adverse housing conditions.

According to a recent survey, undertaken at the Institute of Social Research of the University of Michigan, the construction of 1000 new housing units makes it possible for a total succession of about 3500 moves to occur to different and likely better housing accommodations. Thus, the addition of one new housing unit to the market serves not only its intended occupants, but also several other families or individuals, who are able to move as a result to other accommodations, which presumably are more desirable. The same survey shows that more than ⅓ of those who move are likely to be in the lower and moderate income categories, and that these moves extend to older areas near the center of the city. These figures include both white and black families, although the authors conclude that blacks do not benefit nearly as much as whites. The consequences are certainly greater than what is connoted by the term "trickle-down" or "filter-down", the usual description for this process. The process set in motion by new construction, together with that construction apparently accounts annually for how and where about one-half of those who change residence will live. Government policy should be directed at stimulating this process, certainly not curtailing it as occurs under zoning.

In maximizing production and competition probably lies the best hope we have for improved housing conditions. The existence of a highly competitive market is a tenant's best guarantee of lower rents and better maintenance and repair. Those of average or lower incomes are most harmed by government policies that impede the production and supply of housing. For a family struggling to maintain financial solvency, a five or ten percent increase in rent can be a considerable hardship. These may well be the principal casualties of zoning.

TRENDS OF ZONING LITIGATION

Perhaps the most salutary "trickle-down" of the current efforts to provide lower cost housing in suburbia is that it has produced many lawsuits throughout the country challenging zoning ordinances. In 1926, in *Village of Euclid* v. *Ambler*, the Supreme Court validated the constitutionality of zoning in principle, and after deciding two additional cases in the next two years, has refused subsequently to hear any zoning cases.

Because of the frequency with which the question is being raised, it is doubtful that the court can refrain from considering some or all aspects of the issue. Forty-five years have elapsed since the original decision, and much has changed in society including the meaning and scope of the due process and equal protection guarantees of the 14th Amendment. We now also understand much better the ramifications of the zoning process.

When housing is involved, a zoning controversy is not simply one of a municipality versus landowner, or a case of people versus property; it is one of people versus people. It is more correctly viewed as a dispute between those who already live in a certain area and those who want to live in that or an adjoining area. Zoning allows existing residents of a community to greatly influence or even determine who can and who cannot move into that community. It gives inordinate powers and privileges to those who live at a particular time in the municipality over those: a) who want to move in; b) who would benefit from the trickle-down process; and c) who would benefit from the added competition in housing. Involved are restraints on mobility and opportunity and the creation of social and economic problems for those who by choice or circumstance are tenants or lower and average income home owners. One group, those who got their first, exercises considerable restraints over the production of housing intended to benefit many other groups. These are matters that have been and should be of concern under the equal protection and due process guarantees.

Now, the Supreme Court is not going to declare zoning unconstitutional. What is possible, however, is that it and/or federal and state courts will, through a series of decisions, reduce zoning powers of the municipalities over housing. It will still not be possible to build garden apartments in the midst of a new single family subdivision, but it will be less difficult to obtain authorization for such construction on the land adjoining the subdivision. Since most zoning controversies are about land in these locations, that is, on the periphery of existing single family development, this change in the law would greatly limit exclusionary zoning powers.

If this were to occur, it would also have the interesting result of reducing the differences between land use controls under zoning and those operating under the Houston system of non-zoning. Non-zoning does not mean a generalized mixture of land uses. By the use of restrictive covenants, which are private agreements, most subdivisions in Houston are restricted solely to single family use for specified periods of time. The difference with present zoning practice is that Houston homeowners have no control over any property outside of their subdivision. Their exclusionary powers over land use terminate at the subdivision boundary line. Values of homeowners are thus reasonably protected as are those of the owner and potential inhabitants of the land adjoining the subdivision. By substantially limiting zoning powers, the courts may achieve similar results. When housing is involved, zoning powers might be largely limited to accomplishing the same objectives as restrictive covenants do in the non-zoned cities. (For those not familiar with restrictive covenants, I want to note that racial restrictions are unenforcible).

I strongly suggest that it would be even more equitable and desirable if zoning powers over commercial and industrial uses were also largely terminated. To anyone who suggests that zoning is essential in modern urban life, my reply is simple: Look at Houston! There is no need to hypothesize, or theorize or fantasize; the actual experience of Houston is available for all to see, study and evaluate. Non-zoning should not be feared; it should be welcomed. The land use experience of Houston and other non-zoned cities show that zoning is neither necessary nor desirable, that its absence is preferable to its presence. Despite the absence of any zoning ordinance, land uses on the whole are about as separated in Houston as they would be under zoning. But even if this is not entirely accurate, it is more than offset by the economic and social rewards emanating from the absence of government restraints over the development of property.

LAND USE CONTROLS UNDER NON-ZONING

How has this occurred without zoning controls? The answer is that Houston does have land use controls, but these are primarily economic, and they function effectively and with much more desirable social effects. Specifically, the use and development of land and property in Houston is controlled in three different ways. First, by the normal economic forces of the marketplace. Second, through legal agreements, principally the restrictive covenants, and third, through a relatively limited number of land use ordinances adopted by the city. Houston also does control building and development through subdivision, building, traffic and housing regulations that do not appear to differ appreciably from those of other cities in its region. But the contrast with zoning is clear: Unless the property is subject to an enforcible restrictive covenant, the city does not control the use that will be made of and on that property, whether it be for a mansion or factory or virtually anything else. Restrictive covenants affect only about 20 to 25% of the dollar amount of non-governmental construction in Houston, which means that there are few legal restraints over land use involved in over 75% of the dollar volume of building activity.

The politicians and city planners who control zoning seem to adopt the same approach

as did that individual who expressed a taste solely for large canvasses. When queried as to whether he was an art critic, he responded, "Not I; I'm a frame-maker."

Well, non-zoning shows that zoning schemes, grandiose and otherwise, are unnecessary—the real estate marketplace does not operate chaotically or haphazardly. Residential, commercial and industrial uses tend to develop separately from each other. Certain uses will develop only in certain places. The gas station and most other major commercial developments provide an obvious illustration; regardless of where they are permitted, they will locate only on heavy traffic streets. This means that major business and commercial uses generally will be absent from the residential or local streets which constitute close to 80% of total street mileage within Houston, and probably about the same elsewhere.

In areas of Houston no longer subject to restrictions, or in which restrictions were never imposed, these local streets contain relatively few commercial uses, probably no more than 5%. The bulk of these are home occupations and business that serve the residents of the area, and therefore, contrary to most conventional thinking on the subject, are probably compatible with the area.

Auto repair shops offer an interesting illustration of this. Although these shops may seem highly undesirable neighbors to those imbued with the delicacies and ideals of middle income housing, they do offer much convenience and service for a lower income family owning one usually older car in an automobile city. They are within walking distance, frequently employ used parts, and may provide liberal credit terms. Accordingly, they are present in some very stable lower income areas. But these shops are absent from the local streets of middle or higher income areas where mobility and wealth preclude the demand for the services they offer. In such areas auto repair shops are truly incompatible and undesirable.

There is also a great tendency for industrial uses to group and concentrate separately from residential. A comparison of maps showing the location of industrial uses in the metropolitan area of Houston with similar maps of Los Angeles or Dallas, cities with which Houston is often compared, suggests that the proliferation of industry in the Houston area is no greater than in these other metropolitan areas. There may be even less dispersal, although the large territories involved and differing definitions of industry make measurement very difficult.

It is generally too costly in terms of land prices and potential residential hostility for heavy industry to locate near new residential subdivisions. The plants and factories in the Houston area which are contiguous to and were erected subsequent to homes are usually "light" rather than "heavy" in character. In most instances their existence appears to pose no more and possibly less peril to residential values tastes than would be the case if the same property has been developed for an alternative use such as apartments. I doubt that where there is proximity of industry to residential in non-zoned cities that there is more harm to property values and tastes than in zoned communities.

There are substantial areas in and around Houston where there is minimum demand for multiple family, industrial and commercial development. These areas are suitable for and are being developed for single family occupancy.

Most single family developers in Houston, as well as in many other parts of the country before the advent of zoning, have traditionally imposed restrictive convenants to permit only the erection of houses within their subdivisions. Because many of the earlier restrictive covenants in Houston were limited in duration or legally insufficient or not enforced by owners, zoning would probably have kept more areas as single family. It would thereby also have impeded development of much housing and also non-housing facilities that has occurred subsequently within Houston.

Most of the covenants created subsequent to World War II are much more durable and seem to offer a reasonably practical solution to the conflicting desires of allowing for change and yet maintaining stability. Most post World War II covenants contain an automatic extension provision. This provides for an initial duration period of 25 to 30 years, and an indefinite number of 10-year automatic extension periods. Agreement on the part of 51% of the owners may cancel or amend the covenants before the end of the initial period or before the end of any subsequent 10-year period. Under this provision, the majority of homeowners or owners control the destiny of their subdivision.

For restrictive covenants to remain effective and enforceable, the law requires that they be diligently enforced by the homeowners. Inasmuch as this can be costly for homeowners in lesser income subdivisions and small subdivisions, Houston adopted in 1965 an ordinance enabling the city to enforce these covenants.

Houston has also adopted an offstreet parking ordinance for residential development only and a relatively limited number of other government regulations designed to cure problems of land use not satisfactorily controlled by the private market.

Let me give you some visual proof as to the effectiveness of the marketplace in controlling uses. This is a slide of the land use map of Baytown, Texas, population 45,000, which has never adopted zoning. A close examination will show that most commercial uses are on major thoroughfares, and that the vast bulk of industry is concentrated within its own areas. I might add that Baytown has some of the heaviest industry in the Houston area as well as subdivisions where homes are valued upwards of $50,000.00. Complete separation has occurred between these uses entirely without any governmental intervention.

Pasadena, Texas, population about 90,000 has never had zoning, and its land use map shows virtually all heavy industry has grouped itself. Much the same has occurred in Wichita Falls, Texas, population 98,000 and Laredo, population 70,000, both of which also do not have zoning.

However, close examination of the land use maps of each of these four cities (Baytown, Pasadena, Wichita Falls and Laredo) shows that the market processes have not been completely effective in avoiding the proliferation of industrial uses. Now let us see how much better zoning has done. Here are some slides of land use maps I have been able to obtain of medium sized Texas cities which do have zoning. Industrial use is shown as either purpose or gray on the following slides of Amarillo, population 123,000 zoned since 1931, Waco, population 95,000 zoned since 1932, Lubbock, population 150,000 zoned in 1941, and Abilene, population 90,000 zoned in 1946. Because land use maps are difficult to obtain, I do not know if these cities are representative. At the very least, however, these land use maps do create doubt as to whether zoning is more protective than non-zoning against the proliferation of industry.

ZONING ELECTIONS

Why do Houston, Wichita Falls and Baytown not have zoning? The answer is that these cities allowed their voters to decide this question in public elections. Houston voted twice against zoning. In the last vote in 1962, 57% voted against zoning and 43% voted in favor. Zoning lost 3 out of 4 elections in Wichita Falls. The most recent election was held in 1963, and an overwhelming 82% voted against to 18% voting in favor. In 1969 in Baytown 68% voted against and 32% voted for zoning. Beaumont adopted zoning in 1954 despite the fact that over 70% of the voters rejected it in 1948. It has also come to my attention that Jefferson County, Missouri voted out county zoning and planning in November 1970 by a 56–44 margin.

The only pattern that I have been able to detect to explain the election results is based on income level. Covenants in many of the older subdivisions occupied by lesser income families had expired or never existed; and one might ordinarily expect these homeowners to favor zoning as a means of excluding diverse uses. It would also seem that in the newer, wealthier subdivisions there would be little demand for zoning since covenants are in effect and usually strictly enforced. Neither assumption is correct, however. In Houston and apparently elsewhere lesser income homeowners, living in the older areas have generally voted against zoning and those of higher income levels, living in the newer areas have voted for zoning. The principal reason, I suggest, why the less affluent reject zoning is that it would deprive them of the service and convenience afforded by neighboring commercial developments which zoning would take away. In addition, their approach to questions of esthetics and tastes appears to differ from that of wealthier groups.

In an area containing local auto repair shops, grocery stores and home occupations, the vote went 5 to 1 against zoning. The more affluent voters in the newer areas supported zoning about 2 to 1, and came out in much greater numbers to vote. But they could not overcome the larger majorities in the poorer neighborhoods.

RESULTS OF NON-ZONING IN HOUSTON

The single family dwelling is healthy and prospering in Houston. Values have been and are appreciating as elsewhere in the country. There are subdivisions at various levels of income, similar in appearance to their counterparts in zoned areas. In the wealthiest areas, restrictive covenants usually control esthetics, maintenance and architecture to provide an exclusivity that the most restrictive zoning code could not legally achieve; for they have virtually forbidden any construction that might injure values.

Restrictive covenants have also served well the interests of the less well to do, as these slides show. The covenants affecting less wealthy subdivisions are usually not as restrictive or often not as strictly enforced as those for the higher incomes and this is a market response to the life style of these income groups. There is consequently probably greater variety among subdivisions than would be found under the aegis of a monolithic zoning ordinance.

What has happened in Houston when restrictive covenants have expired? The answer depends upon the real estate pressures that have arisen in the area since the time when the covenants were imposed on the subdivision. Along expressways and the more heavily traveled streets, commercial, multiple family and possibly a few light industrial uses will in time generally develop. The answer may be quite different for areas adjoining interior or local streets where the traffic is light. In some instances, there will be virtually no changes because of the absence of economic pressures for other uses. As I have indicated, there will be relatively few commercial uses on the local streets due to the limited extent of traffic and accessibility. Substantial changes in interior areas will come about only where there is a strong

demand for multiple family uses. Since many are largely immune to the demand for apartments, there are substantial areas of Houston where despite the absence of covenants for long periods of time, single family remains largely the only use.

Here are two specific illustrations. First, a section known as "Denver Harbor." We surveyed all uses within this section in a rectangular shaped area of 3 blocks by 30 blocks. The area surveyed was first subdivided in 1911 and the balance in 1913, and there never were any covenants restricting building or property use. It is an area largely of lower and middle income where there is little demand for multiple family building sites. Although it is bordered on one side and at one corner by heavy industry and about 13% of the land is vacant, only approximately 1% of existing structures on local streets are occupied by industry and about seven percent by commercial uses. About 5% are duplexes and apartments, and about 2% trailers. New homes have probably been built in every decade since the 20's including some in the late 60's. Real estate values are and have been generally stable in this area.

The second example is provided by our survey of a 45 square block area of the "Montrose" section. In this area convenants expired in 1936, but the area still remains more than 60% single family. This is an area of strong demand for multiple family uses. There are no industrial uses, and interior streets contain few, about 4% light commercial uses. The structures erected within recent years on the interior streets have replaced older single family homes and consist largely of 2-story garden apartments and townhouses. They are being built by many different, usually smaller builders, and appear to blend in well with the remaining homes. Land values on interior streets are relatively high and this assures that the quality of new construction will likewise be relatively high. More accommodations are being provided for more people, and the forces of the marketplace have caused a high degree of compatibility between the old and the new.

As I have suggested, the most desirable influence of non-zoning at present is its effect on multiple-family dwellings. Let us look at some slides of apartment developments. If Houston had adopted zoning when proposed in 1962, restrictions of the ordinance would have resulted in less apartment production, and this means higher rents and a lesser number and variety cf apartments. The absence of restrictions has made available a great number of building sites at lower cost, and this, together with the high density that is permitted has resulted in a larger supply of many different kinds of rental accommodations. Many have been able to afford new housing who would have been denied this if Houston had zoning.

Under non-zoning, site density, i.e., the number of units erected on a specific site, is a function of market demand not of planners speculations and political expediencies, which means far less wastage of that precious commodity we call "land." It also means more housing opportunities. Some years ago, proposals were submitted to Houston's city council but never adopted to reduce substantially the allowable density for certain types of single family rental developments. Had these proposals been successful, some of these developments, due to increased costs, would never be built. And others would have many less units. Probably the biggest loss would have been sustained by many people who would have had to continue living in less desirable quarters. When people move. It is likely that they are improving their conditions, which they should know and understand better than strangers, notwithstanding that these strangers mav be planners or politicians.

Nor has the absence of controls necessarily resulted in maximum land densities, for if it did, only high rises would be built. Market conditions have not been favorable for apartment high rises, and relatively few apartment buildings have been built with more than 3 stories. What it does mean in many, perhaps most instances, is maximum land density, once the city's off-street parking requirements are met, for the two and three story buildings. For those who can afford lower density construction, there are many rental developments with densities about the same, or even less than would have been allowed under the most restrictive multiple family provisions of the zoning ordinance proposed in 1962. Competition has caused many developers to maintain open space and install recreational facilities. At the same time, the city does not have the power to force such open space on the developers who seek to cater to tenants who cannot afford such luxury, or possibly who prefer "luxuries" in the interior rather than on the exterior.

If you analyze the land plans for multiple family developments, you will find that many could not have been built under the provisions of most zoning codes. In the case of some of these townhouses, for example, each unit has been individually designed and constructed on a separately owned lot and these structures would not comply with the individual lot requirements of the zoning ordinance proposed for Houston for 1962 as well as most zoning ordinances, even assuming that the property was zoned for multiple family purposes. Re-zoning, variances, a planned unit development or some other special dispensation would have been required. To gain approval, the developer may have had to make concessions and deals, legal and possibly extra-legal, which likely would have altered or eliminated much of what you see, and very probably for the worse.

The major thoroughfares in Houston are largely similar in appearance to those in zoned cities. Areas adjoining heavy traffic streets contain homes, apartments, townhouses, and businesses similar to what occurs under zoning. There probably are more businesses and apartments along thoroughfares than there would be under zoning because such uses bring a better land price than does single family. The result is also a greater number of houses on interior streets, all of which makes for a separation of uses not inconsistent with conventional planning objectives of compatibility and desirability. One can hardly fault economics that causes homes to be built on the local rather than on heavily traveled streets and, of course, vice versa, with respect to commercial uses.

Moreover, the absence of zoning restrictions allows for maximum development of strip areas. In zoned areas with their many classifications and subclassifications, it is often a matter of chance whether a particular parcel is zoned for the use intended. There is no such problem under nonzoning. The results in Houston appear even more favorable when compared with what develops when the planners, politicians, and possibly even the courts juggle the land to determine where the various uses along the thoroughfare will go. What land will get the lease valuable R–1, the more valuable C–1 and the most valuable C–6? Where should the B–1 district begin and where should it end? Which uses should be permitted in the B–2, B–3, B–4 and B–7 districts? Who will be allowed to live where? I suggest that the process is considerably more chaotic, disorderly and inequitable than what takes place in the nonzoned cities.

These are photographs of two subdivisions containing over 230 homes which in the 70's will probably be the site of one of the major high rise commercial and apartment developments of Houston. The developer of Greenway Plaza, a commercial development adjoining these subdivisions, bought almost all of these homes in 1968 and 1969 at a price above market and with 5-year rent free privilege for each owner. A good deal apparently for both sellers and buyer, since upwards of 90% of the homeowners sold under these terms. Can you imagine what the developer would have had to do and go through to re-zone this property from single family to high rise commercial, how long it would have taken, and at what cost? I am convinced that because of the many problems involved, the developer would never have undertaken the project had zoning been in effect.

FINANCIAL ADVANTAGES OF NON-ZONING

The Houston experience is also helpful in evaluating one of the principal arguments cited by suburbs to justify zoning restrictions over housing. They contend that substantial, if not overwhelming costs and burdens would be caused by an influx of apartments. Many courts provide a short answer to this. A municipality cannot use zoning as an excuse to avoid added community costs. Otherwise it could curtail normal and natural growth. Newer communities would be able to force older, developed communities to bear an undue proportion of the burdens of urban life. A more palatable answer is provided by municipal economics. The construction of apartments is likely to help rather than hurt real estate tax receipts.

As a restrictive device on development, zoning impedes the maximization of real estate values for multiple family, commercial and industrial uses with a consequent diminution in real estate tax collections. There may be initial problems as there almost always are in servicing new developments, but the tax potential is much better for a cosmopolitan community than for one restricted largely to single family development.

The major portion of real estate taxes goes to the schools. Apartments containing efficiency and one-bedrooms produce few children, and these are highly advantageous to the taxpayer. Most apartment construction within recent years in both zoned and non-zoned areas has been for smaller apartments and this trend will probably continue. These benefits may be offset by larger apartments or townhouses with more children; but a combination of both—which is what is likely to occur—with the resulting commercial and perhaps even industrial developments they bring and support, will generally be more favorable for the taxpayers than a monolithic community of middle income homes.

In many of the predominantly single family school districts of Cook County, in which Chicago is located, a home must have a value of almost $70,000 to fully support the annual cost of schooling for just one grade school student. As a result single family residences are taxwise generally a losing proposition, and the development of more homes will only exacerbate the problem. Removing zoning restrictions to allow only subsidized housing is obviously also financially harmful. The solution lies in the direction of removing restrictions generally. There are some additional burdens for a municipality in servicing rental and commercial enterprises, but again this is usually well compensated for by the real estate and other taxes they pay and produce.

The fact is that the situation is actually the reverse of the way it is commonly presented: We may well question whether America can afford zoning! Thus, to impose zoning restrictions on a community that has none can easily bring about a reduction of at least 5% annually in the amount of private

non-home construction—and I consider this a most conservative estimate. In Houston, this would have meant a loss of more than $175,000 in ad valorem taxes during each of the last 3 years.

CONCLUSION

Zoning is determined through the political processes of government. It gives control over the use of land to a strange combination of politicians, planners, owners, courts, citizens, do-gooders, do-baders, etc., etc. As a result, a host of factors and forces are controlling land uses that have virtually no relationship to maximizing production, satisfying consumer demand, maintaining property rights and values, or planning soundly. In having greatly curtailed housing production, zoning has considerable responsibility for our social ills. The experience of Houston shows that we can in good conscience seek its substantial curtailment and ultimately its elimination.

## DRUG ADDICTION AMONG SERVICEMEN

(Mr. ROGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS. Mr. Speaker, during the past several months, we in the Congress and citizens throughout the Nation have heard with concern and alarm of the growing number of servicemen who have become addicted to drugs.

When I introduced legislation to detect, treat, and rehabilitate those men in our Armed Forces who have become addicted, I used the figure of 20,000 to 40,000 men in Vietnam whom we estimate will come home addicted. In addition, authorities estimated there is an estimated 50,000 veterans now in the United States who are addicted.

Although these figures are alarming, there is no comparison to be made until you come face to face with a person who is personally involved. Too often we here in Washington deal in statistics.

But this weekened I talked to the father of one of those statistics, the father of a man who is serving in our armed forces and who has become addicted.

A 20-year-old specialist fourth class, my constituent was admitted on November 4, 1970, to an Army hospital at Fort Bragg for treatment. His medical report states that he had "been addicted to drugs for quite some time." It also stated he had been experimenting with LSD and opium but recently had turned to heroin and was using four to five bags daily. He started detoxification and after one methodone treatment told authorities he did not need it any more.

He was then discharged for duty. The diagnosis stated: "Immature personality, severe, with drug addictions."

Needless to say he was not cured, because of no adequate treatment program.

His father's concern is for his son's health. But in addition, he is also concerned over the thousands of other servicemen who have met the same fate. This case is not the first which has come to my attention.

One mother told of her son's activity in Vietnam and of his returning home addicted. She signed the letter to me, "A mother of one of Uncle Sam's Junkies."

The news report of the legislation I have proposed prompted another letter from a tiny town in Iowa. His son, too, served in Vietnam and came home hooked. His concern was also for the thousands of veterans in a similar situation as his son.

There are others. Thousands more. And if we are to meet our responsibility, we must offer help and now.

I have asked the Appropriations Committee to accelerate its funding for Veterans' Administration clinics for drug addiction treatment to $10 million for fiscal 1972.

And I am today writing to the Veterans' Administration and to the Department of Health, Education, and Welfare asking that every consideration be given to opening the Forth Worth clinic for use in treating veterans. Presently HEW is considering transferring this 750-bed facility, which is one of two major Federal addiction treatment hospitals, to the Justice Department to use as a prison hospital.

When there are veterans waiting in line for treatment, I think it is highly irresponsible for the Federal Government not to use every possible facility to give these men treatment.

## OUTRAGEOUS INSINUATIONS

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, last week a Kearny, N.J. post marked envelope was delivered via the mail service to my home in Arlington, Va.

In the envelope was printed material, obviously antiwar in character.

The headline was "Son of Representative FRED SCHWENGEL—Killed in Action in Indochina."

The theme of the paper is that since Members of Congress have had no sons or grandsons killed or missing in the Vietnam war they cannot be or are not sensitive to the killing taking place in Vietnam.

This is an outrageous and dastardly insinuation.

It implies that President Nixon fixed the date for ending student deferments to protect his son-in-law, David Eisenhower, which is ludicrous. The fact that David Eisenhower has enlisted in the Navy should have dispelled that notion.

Mr. Speaker, as someone who has a son-in-law, an Army lieutenant colonel, serving his second tour of duty in Vietnam, I find the kind of material received at my home insulting and unconscionable.

The cowards who sent this material to my home hide behind the anonymity of a postmark. They did not have the intestinal fortitude to identify themselves. Yet, they have the gall to question the courage, sincerity, and integrity of the President, Members of Congress, and other national leaders.

Mr. Speaker, whatever the view of any Member of this body on the war, I am sure that they join me in labeling this sort of thing cowardice and outrageous.

The full text of what I received follows:

"SON OF REPRESENTATIVE FRED SCHWENGEL—*KILLED IN ACTION IN INDOCHINA"

(Whether or not you actually do have a son of draft age)—try to picture how you would feel to face this reality—Your own son killed in Vietnam!

However, you as a Member of Congress, by now must be aware that your chances of suffering this trauma are virtually NIL: that it is only your trusting constituents—(by whom you are paid and elected)—who are being compelled by all of you valiant armchair warriors to sacrifice their sons as your burnt offerings on the altar of the battlefield.

You engage in lip-service debates: while war drums keep on beating tunes of gory slaughter—safely ensconced in your cozy Congressional chambers—thousands of miles away from the carnage you create—untouched by human heartbreak, unmoved by human pleading, uncaring of the inhuman suffering you visit upon innocents.

Yes, our noble leaders stand nakedly revealed by a survey in the "Congressional Quarterly" (Feb. 13, 1970), which, taken at the height of American involvement in Vietnam, lists the military backgrounds of the 91st Congress' Members (and sons). *The results are incredible!*

Not one son or grandson of any U.S. Senator or Representative has ever been killed or missing in this Vietnam war!

(and only one ever slightly injured, 5 years ago).

The mind boggles! For no matter how charitably one may interpret the law of averages—with 535 Members of Congress, and their many sons—credibility rejects as mere 'coincidence' a Zero casualty rate, when contrasted with hundreds of thousands among all other mortal citizens.

The bitterest irony of all is that the very monies which support this destruction—and the perpetrators thereof—are funds forcibly extracted (via taxes) by you, Gentlemen of Congress, from the victims themselves! (One recalls not too long ago how the Nazis compelled their helpless captives to dig their own graves.)

Also, President Nixon: who exhorts his subjects to be patient, insisting we must destroy life to "preserve our honor" . . . that we must beat into submission a tiny nation one-tenth our size, so the U.S. will not be a "pitiful, helpless giant" . . . yet his patriotic fervor does not sway his principles sufficiently to send his *own* 2 sons-in-law to Indochina.

Mr. Nixon's motives were undoubtedly virtuous when he demanded that Congress erase all Student Deferments. However, he was most careful to say this should apply after April 1970: which date, by happy chance, coincided with son-in-law David's graduation from college . . . while leaving the other lucky laddie Eddie leisurely learning law, safely unplucked by the long bony arm of the Draft Board.

Recently, David sneered at the sincerity of anti-war demonstrators: ". . . When it got to hard issues of who's going to make the sacrifices, they start squirming . . ." [Newark News, May 12, 1971]. Yet numerous protesters were Vietnam veterans, many with combat medals and without legs—while Davey has bravely dodged all danger . . . (except marriage and college).

Like Nixon's California counterpart, Gov. Ronald Reagan, who announces: "Let's *you*

pay taxes." (while himself aloof from such crass mercenary chores)—so Richard the Righteous reiterates, "Let's *you* send your sons to die!" while excluding his own anointed kin, (and various other Sons of Big-Shots").

Now, you Congressmen whose sons have completed college a la draft exemptions (and the survey shows many), before you deny this same opportunity to the rest of America's youth—consider carefully the fact that the very people for whom our boys will be forced to give up their education, limbs, and lives—the SOUTH VIETNAM STUDENTS ARE DRAFT-EXEMPT. They do not fight for their own land.

Why decimate our own future leaders? We have sacrificed enough already.

Astonishment is exceeded by disgust, when more skeletons are discovered rattling within Congressional cloakrooms. *("Congressional Quarterly"—2/13/70)

The hypocrisy of the hawks stand exposed! for it is precisely the 'bravest' breast-beaters of destruction: the most passionate self-proclaimed 'patriots' who insists most loudly of all that we must stay enmeshed in this war. They have never served in the military! and/or their sons never served in Vietnam.

Here are just a few examples, similar to many others recorded: (Everyone should read this entire survey, available at most libraries.)

Sen. Stennis, John (D. Miss.): No Military Service; one son, Miss. Air Nat'l. Guard.

Rep. Rivers, L. Mendel (D. SC) (now deceased—succeeded by Rep. Hébert): No Military Service; one son, Naval Reserve.

Rep. Hébert, F. Edward (D. La): No Military Service; no son.

Sen. Goldwater, Barry (R. Ar.): (some Military Service WW2); both sons, physical deferments—yet Barry M. Goldwater, Jr. is Repub. Representative, Calif.

Similar startling statistics concern one group most strongly responsible for this war: *Of all 39 Members on the 91st Congress' House Armed Services Committee*—"there were no committee members reporting a son or grandson who had served or is serving in Vietnam!"

*Then there is the casualty gap*—Daily communiques report many helicopters downed, with several crewmen missing. But weekly Gov't. releases omit these totals. [In "Mandate for Change," (p.ff.172) Ike said in 1952, after 2 years of war, there were ". . . 13,000 missing" in Korea.] How many men must be missing now, after 10 years in Indochina's jungles?

Weekly totals often omit 'non-hostile' deaths: as due to helicopter maintenance failures; 'fragging' fellow officers; 'friendly forces' fire; combat deaths called 'accidents;' heroin overdoses: (Officers estimate 50,000 GI addicts already!—"NY Times" 5/16/71).

And—How many of the 300,000 wounded eventually succumb of their grievous injuries (such as triple amputations, blindness, brain damage, massive burns, paralysis . . .) *after* sent to languish in pitifully-understaffed Veterans Hospitals. A VA Director said nearly 20% die within 2 years—which means that 60,000 *more* American boys are dead—in addition to the admitted 56,000—because of this cruel war you finance.

Congress should ferret out the facts—(VA death checks paid might prove illuminating). Your conscience ought to care how much human cannon fodder you so carelessly expend in this foul war, easy via the *'permanent draft.'* This mechanism enables the murderers lurking among you to replenish the national 'blood bank' with fresh deposits of raw recruits . . . and offers a blank check to make periodic withdrawals (for their vested interest) . . . The ghouls gratify frustrated killer lusts via proxy military adventures which they are too cowardly to enter.

*How many men have been "wasted"?*—to use the bitterly accurate Army term.

Ironically, the one before whom you 535 'men' bend the knee for moral leadership to end this war, is the same Richard Nixon who was the first to demand we start it; on April 17, 1954. The "N.Y. Times" told of an anonymous 'high Administration official' (revealed the next day as Vice President Nixon), who said of the French Indochina War then raging, "We must take the risk of putting American boys in the fighting."

Nixon (our 'strick constructionist') insisted that the Executive must send U.S. troops over "with or without the support of public opinion"—bypassing Congress' Constitutional right to decide war policy. He exhibited the same contempt for the people's wishes as he does now.

He also undercut his President. Eisenhower's official policy was clearly defined. As our greatest General, his military judgment was far superior to Nixon's. ("NY Times" 4/18/54) "The President said he could not conceive of a greater tragedy than to get heavily involved now in all-out war in the Far East. No one, he asserted, could be more bitterly opposed to ever getting the U.S. involved in a hot war in that region!"

In "Mandate for Change," Ike wrote that, when discussing possible U.S. intervention there, "the three Service Chiefs—Army, Navy, Air Force, had recommended against this course." He also said Prime Minister Winston Churchill was definite in his "recommendation against use of British or U.S. troops . . ." Key Congress leaders were opposed. Only Nixon wanted war!

Nixon often reveals a surprising solicitude towards foreign interests, contrasted with his shocking lack of concern for fellow Americans. . . . As he said on April 17, 1954: "The problem is not materials, but men—and they will not come from France, which is tired of the war. . . ."

Yet he demanded they come from America! He did not care that we were also very weary of war. That same day newspapers showed the first U.S. troops to arrive home after Korea's bloody war, with 157,530 casualties. . . . And just a few years prior, WW 2 cost us over a million casualties . . . (Our losses now after a decade in Indochina exceed WW 1 casualties of 320,518) . . . over 20,000 dead after Nixon became President!

Whereas France—whose war fatigue was apparently Nixon's prime concern—had lost few men in WW 2 (she surrendered to Germany within 3 weeks, though France was far stronger); a sad tale of treachery and betrayal by a nation's own top politicians! Like Norway's Quisling; or King Badouin of Belgium's surrender, though his Cabinet and people wanted to resist; or Holland (a vast empire then) bowing in days. . . . It can happen—*anywhere*!

Nixon again shows his strange concern for foreign interests. He wanted to risk boys' lives to secure the benefit of Japan! . . . "The war in Korea is about Japan, and so is the war in Indochina." Yet Japan now trades briskly with Communists. The deeper goal? Japan's eventual dominance.

Nixon said: "the war in Korea is about Japan, he continued, and so is the war in Indo-China, which is essential to Japan's economic survival. Without trade with Indo-China and Korea, and with these countries under Communist control, Japan would become an economic satellite of the Soviet Union. 114/17/54—"N.Y. Times"

Eventually, Pierre Mendes-France ran for election, on his pledge to end the Indochina War—which he did within one month after becoming premier!

In "Mandate," Eisenhower said (re Korea), ". . . considered several possible lines of action. First of all would be to let the war drag on. Continuing this way seemed to me intolerable."

Within 6 months from the day he became president, Ike ended the Korean war!

Contrast this with Nixon's present cruel tactic of gradual withdrawal, which inevitably must increase vulnerability of troops left behind, like sitting ducks. Who knows his *real* "secret plan"? He may suddenly reverse the flow and rush men to Thailand (a la his Laos and Cambodia surprises; the POW 'rescues') . . . or contrve a phony "Gulf of Tonkin attack" in Taiwan . . . etc.

In "6 Crises," Nixon admits he lies: "I was in the ironic position of appearing to be 'softer' on Castro than Kennedy, which was the exact opposite of the truth. The covert training of Cuban exiles . . . was due, in substantial part at least, to my efforts."

What covert coup can he be planning next? . . . Gentlemen of Congress, do not trust the intent of a politician who talks Peace but plots violence. End this war now! while ye still may.

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THE CONSTITUTION OF THE UNITED STATES

*CONGRESS*, as Voice of the People, has Primary Power To Govern Our Country!

ARTICLE I

Section 1

"[Legislative powers vested in Congress.] All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"[To enact laws necessary to enforce Constitution.—18.] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

"The Senators and Representatives shall be bound by oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

"Shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Congress controls Finances: Commerce, Disbursements, etc.:

"[Regulation of commerce.—3.] To regulate Commerce with foreign Nations, and among the several States.

"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

"The Congress shall have power to lay and collect taxes on incomes.

"The President shall, at stated Times, receive for his Services, a Compensation, which shall be neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Why does Pres. request extra "allowances"?

"A regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

DRAFT inequities/(*Politicians' Sons*)—etc.

"1. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

"Nor shall any person be deprived of life, liberty, or property, without due process of law;

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States,

CONGRESS has TOTAL AUTHORITY Relating to ALL FACETS OF WAR.

"[General powers of Congress.] The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

"[Piracies and felonies.—10.] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

"[War; marque and reprisal.—11.] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

"[Armies.—12.] To raise and support Armies, but no appropriation of money to that use shall be for a longer term than two years;

"[Navy.—13] To provide and maintain a Navy;

"[Land and naval forces.—14] To make Rules for the Government and Regulation of the land and naval Forces;

"[Calling out militia.—15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

"[Organizing, arming and disciplining in militia.—16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Services of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;"

Why has Congress allowed the giveaway by the Exec.—of the Bonins, Ryukus, & soon Okinawa, to Japan

Certain Gigantic OIL DEPOSITS!

Generals say: this will lead to WW3. Nearest US Base—Guam, 1500 mi. away.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;

Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful buildings.

WHY AND HOW has Laird shut down many vital U.S. Defense Bases?

"Westmoreland-Japan Award?

"[Titles of nobility not to be granted; acceptance by government officers of favors from foreign powers.—8.] No Title of Nobility shall be granted by the United States; And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind, whatever, from any King, Prince, or foreign State."

People=Voting Shareholders
Congress=Board of Directors
President=Foreman
Constitution=U.S. By-Laws
entire Pres. Military Role given LESS THAN 1 SENTENCE IN CONSTIT!

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; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments.

NOTE* commas render meaning, that Pres. military status to be valid re Army and Navy and Militia, only "When called into the actual service of the United States"—which Congress alone so decides!

"[Oath to be taken by the President.—7.] Before he enters on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

"He shall take Care that the Laws be faithfully executed,

"The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

"Power of impeachment.—5.] The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

"*—6.] The Senate shall have the sole Power to try all Impeachments.

"When the President of the United States is tried, the Chief Justice shall preside:

"Congress may Impeach & Try Pres.* and may even select a different President! . . . Via new XXV Amendment; plus 12th and 20th" & Art. 2(1).

President subordinate to Congress.

"He shall from time to time give to the Congress Information of the State of the Union, and recommend to the Consideration such Measures as he shall judge necessary and expedient;

"(Pres. may only 'recommend' . . . (for Congress' consideration)

"—2.] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Min (—only by & with advice and consent of Senate!)

"Bills—shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives."

Congress can override veto.

By Clergy and Laymen Concerned About Vietnam, New York, N.Y.

## CHILDHOOD LEAD POISONING—ITS VICTIMS

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, childhood lead poisoning, which claims 200 lives a year, remains the scourge of America's slums. Add to its victims the 800 children a year who are permanently institutionalized because of this vicious disease. And add to them the 3,200 children who suffer severe to moderate brain damage. Then add the 16,000 children who require treatment. And finally, add the 400,000 children who are affected by lead-based paint poisoning annually.

That is the toll of a man-made disease—a disease which is preventable.

Lead-based paint poisoning is selective in its victims. They are almost exclusively the children of our slums, and almost exclusively children between the ages of 1 and 6. Two circumstances account for this. One is the presence of lead-based paint on the walls and ceilings of delapidated housing. As paint and plaster chips fall from the ceilings and walls, they come within reach of the small children sentenced to growing up in grim tenements. The second circumstance is a craving—common to many children—known as pica, which results in these youngsters picking up the chips and eating them. Slowly, the lead they ingest accumulates in their systems. The result—they are poisoned.

The consequences are devastating—mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and even death.

Yet, this disease is preventable. Let me quote from an article by Jane S. Lin-Fu, M.D., pediatric consultant, Division of Health Services, Department of Health, Education, and Welfare, entitled "Childhood Lead Poisoning . . . An Eradicable Disease," which appeared in Childrens magazine, January–February 1970, at pages 2–3:

> In this history of modern medicine, few childhood diseases occupy a position as unique as lead poisoning. It is a preventable disease. The etiology, pathogenesis, epidemiology, and symptomatology have all been well defined. Methods for screening, diagnosis, and treatment have long been available.

On Thursday, May 20, the House and Senate conferees met to consider the conference report on the Second Supplemental Appropriations bill, H.R. 8190. The bill, as it passed the Senate, contained $5 million to fight lead-based paint poisoning. Unfortunately, that money was deleted by the Conference Committee. The House and Senate have since voted to accept the conference report, and on May 25 the President signed H.R. 8190 into law.

However, $30 million can be appropriated for fiscal year 1972, pursuant to the authorization of the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695. I am particularly hopeful that there will be large funding for the programs authorized by the act for fiscal year 1972. in light of the words of the distinguished Chairman of the House Appropriations Committee's Subcommittee on Labor, Education, and Public Welfare (Mr. FLOOD), who stated on the Floor on May 20 when we discussed the deletion of the lead poisoning funds:

> There will be ample funds, I believe, and I am sure of it, in the 1972 appropriation bill for this very, very, very bad problem.

I appreciate the distinguished Chairman's (Mr. FLOOD) words. The children of America will, indeed, be in his debt, and in the debt of the Congress. And we, in turn, will be paying a part of the debt, we owe these youngsters, sentenced to shameful housing conditions in this, the most affluent Nation in the world.

## BUREAU OF MINES SHOULD BE TRANSFERRED TO THE DEPARTMENT OF LABOR

(Mr. HECHLER of West Virginia asked and was given permission to address the

House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am today introducing a bill to transfer the health and safety functions of the Bureau of Mines from the Department of the Interior to the Department of Labor.

The Comptroller General has just released a report on the Bureau of Mines which states that the policies of the Department of the Interior for enforcing health and safety standards "have been at times extremely lenient, confusing, uncertain, and inequitable."

There is a very strong argument for removing the health and safety functions from a bureau which has other production-oriented interests, as does the Bureau of Mines, to an agency which has an employee-oriented approach; namely, the Department of Labor. I would hope that this approach could be taken, rather than putting the Bureau of Mines, as the President has proposed, into a larger Department of Natural Resources, where the protection of the coal miner will receive even less attention. If you bury the safety and health functions of the Bureau of Mines in a Department which is even larger than the present Department of the Interior, you also bury the hopes of the coal miners for any genuine protection which is free from the pressures of higher and higher coal production.

I include the text of my bill, H.R. 8795, as follows:

H.R. 8795

A bill to provide for the transfer to the Secretary of Labor of all functions of the Secretary of the Interior relating to the health and safety of persons working in the mineral industries, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all functions of the Secretary of the Interior under any law, Executive order, or regulation concerning the health and safety of persons employed in the minerals industries, including all such functions of other officers, or of employees or agencies, of the Interior Department, are hereby transferred to the Secretary of Labor, effective sixty days after the enactment of this Act.

SEC. 2. There shall be in the Labor Department an Office of Mineral Health and Safety to be headed by a Director to be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Secretary of Labor in the discharge of the functions transferred to him hereunder and who shall perform such other duties as the Secretary of Labor shall from time to time prescribe, and who shall receive compensation at the rate of level V.

SEC. 3(a). So much of the qualified personnel, real and personal property, records, and unexpended balances of appropriations, allocations, and other funds, employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Labor by this Act as the Director of the Office of Management and Budget shall determine shall be transferred to the Secretary of Labor at such time or times as the Director shall direct.

(b) Nothing in this Act shall affect in any way any order, notice, decision, finding, contract, grant, loan, or other action issued or pending on the effective date of said transfer or to any proceedings related thereto.

SEC. 4. The Secretary of the Interior shall, whenever requested by the Secretary of Labor or his delegate, conduct by contract research and development work concerning the functions transferred by this Act.

The digest of the GAO findings and recommendations is as follows:

COMPTROLLER GENERAL'S REPORT TO SUBCOMMITTEE ON LABOR, COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, PROBLEMS IN IMPLEMENTATION OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, BUREAU OF MINES, DEPARTMENT OF THE INTERIOR, B-170686, MAY 13, 1971

DIGEST—WHY THE REVIEW WAS MADE

The Federal Coal Mine Health and Safety Act of 1969 placed new responsibilities on the Bureau of Mines of the Department of the Interior for inspectiton of coal mines and gave the Bureau broad authority to enforce correction of unsafe and unhealthy conditions.

At the request of the Chairman, Subcommittee on Labor, Senate Committee on Labor and Public Welfare, the General Accounting Office (GAO) made a review of the Department of the Interior's implementation of the act.

FINDINGS AND CONCLUSIONS

At the two districts visited by GAO, the Bureau had made about 31 percent of the required safety inspections and about 1 percent of the required health inspections through December 31, 1970. (See p. 10.)

Bureau inspectors have cited mine operators for violations and have required that they be corrected. During subsequent inspections of the same mines, however, numerous new violations were found, often of the same type as the earlier ones. That situation is attributable, at least in part, to the fact that the Department's policies for enforcing health and safety standards have been, at times extremely lenient, confusing, uncertain, and inequitable. (See ch. 3.)

Various required samplings and inspections were not made by the mine operators, and some that were made were not adequate. (See p. 16.)

Plans for roof control, ventilation, and emergency action when a fan stops either have not been submitted by all mine operators or have not been approved by the Bureau of Mines, although the act requires that they be submitted and approved. Until recently the Bureau had done little to induce operators to comply. (See p. 24.)

The methods for approving roof control and ventilation plans and the contents of approved plans varied significantly between the two districts included in this review, apparently because Bureau headquarters had delegated the approval process to the district offices without providing sufficient guidance. (See p. 24.)

Regular mine inspectors make both health and safety inspections. The health inspections are less complex and do not require some of the special skills and knowledge that the regular inspectors must have. It may be possible to use some less highly qualified technicians to make health inspections to conserve the time of the regular inspectors who are in short supply. (See p. 13.)

The Bureau's practices concerning the imposition of penalties for noncompliance do not consider various factors prescribed in the act, such as the effect that such penalties will have on the operator's ability to continue in business and the operator's history of previous violations. (See p. 54.)

Shortages of certain types of equipment have been cited by the Bureau of Mines as a major cause of noncompliance with health and safety requirements. In this connection:

The Bureau has made no overall studies of the availability of equipment required for compliance with the act and of the normal time required to obtain equipment in short supply. (See p. 56.)

The Bureau may have permitted unnecessarily prolonged noncompliance with certain equipment requirements by granting mine operators time extensions to obtain a particular brand that was in short supply while an essentially comparable substitute was readily available. (See p. 59.)

The Bureau purchased more dust-sampling equipment than it needed and thus contributed to a shortage of such equipment and possibly precluded many mine operators from establishing dust-sampling programs within the time required by the act. (See p. 61.)

The team that investigates mine accidents usually includes Bureau personnel who have been involved in prior inspections of the mine or related activities or who are subordinate to officials responsible for carrying out these activities. In such cases, these personnel, in effect, are required to evaluate their own previous performance or that of officials to whom they are responsible. GAO believes that there should be greater independence in accident investigations. (See p. 68.)

Bureau inspectors are given insufficient criteria for making decisions on mine operators' compliance with health and safety standards. GAO believes that a comprehensive manual should be issued to provide inspectors with the necessary criteria and guidance. (See p. 71.)

Bureau representatives said that shortages of qualified manpower, certain equipment, and sufficient time were the principal reasons for noncompliance with the requirements of the act. GAO recognizes that the passage of the 1969 act has greatly expanded the responsibilities of the Bureau and that there are significant problems in obtaining compliance with its requirements. GAO believes, however, that more could have been done to achieve greater compliance.

RECOMMENDATIONS OR SUGGESTIONS

GAO made a number of proposals to the Secretary of the Interior to achieve the improvements needed. (See pp. 38, 55, 64, and 75.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of the Interior said that GAO's report was an objective appraisal of the Bureau of Mines' efforts to implement the act in the time period covered by the report. With one exception, the Department said that actions responsive to GAO's proposals had been initiated or planned. (See pp. 39, 55, 65, and 76.)

The Department disagreed with GAO's suggestion concerning the use of people less highly qualified than regular coal mine inspectors to perform health inspections. The Department believes that it is highly desirable that all inspectors be capable of enforcing both health and safety standards and of advising operators of changes that are needed for compliance with the law, in both respects, at all times that they are in the mines. The Department stated also that it expected to recruit by June 30, 1971, the minimum number of personnel to make all the inspections required by the act.

GAO agrees with the Department's basic views. It believes, however, that, should serious difficulty be experienced in meeting recruitment goals for regular coal mine inspectors, the Department should give further consideration to the possibility of using less qualified persons to make health inspections.

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## PROHIBIT CRUEL TRAPS

The SPEAKER. Under a previous order of the House the gentleman from

Michigan (Mr. BROOMFIELD) is recognized for 5 minutes.

Mr. BROOMFIELD. Mr. Speaker, 14 years ago I joined Senators HUMPHREY, Neuberger, and Kefauver in introducing a bill to prohibit the use of leg-hold and steel-jaw traps in the United States. Back in those days, of course, there were no crusades to save our natural environment, and the bill might just as well have not been introduced for all the attention it received.

Today, however, things are different. We know that nature cannot be separated from human life, that man must conserve nature as long as he intends to live within it. It is certainly a more auspicious time to introduce legislation designed to discourage the inhumane use of leg-hold and steel-jaw traps.

The trapping of birds and animals no longer holds the important role it played in the earlier history of our country. It is no longer a source of food for any significant segment of the American public; indeed, a modern American will probably eat no trapped meat in his entire lifetime.

Yet, Mr. Speaker, a substantial amount of this cruel and inhumane practice is continued. Fur-bearing animals are caught in steel-jaw traps which fracture a leg or other bone. They are held this way for days until they die of pain or starvation, and all too often they tear themselves to pieces, gnawing at their fettered, broken limb while trying to escape.

I believe that, with the advances of modern technology, there is no reason why trapping has to be done in a manner which causes needless pain and suffering to the wild animals which are its victims. Traps used within the jurisdiction of the United States must either capture animals painlessly or kill them instantaneously. Anything less is unacceptable.

In fact, traps of this design were readily available back in 1957, when they were already in use, for example, in various Government conservation departments. Whatever additional cost they might entail is minimal compared with the suffering they would eliminate.

My bill states that it is the public policy of the United States to discourage the manufacture, sale, and the use of leg-hold or steel-jaw traps on animals in the United States or abroad. It would prohibit the shipment in interstate or foreign commerce of any fur or leather from animals trapped in a State or country which has not banned the use of the inhumane traps.

This bill was drafted and sponsored by the Committee for Humane Legislation, a relatively new humane group which is attempting to coordinate the legislative activities of a number of older and better known groups. I believe the bill will be introduced in the Senate and we look forward to positive legislative action upon it in the future.

In 1957 Senator Neuberger said that:

A people's attitude toward the animals and other living things, with which it shares a common world, is one significant measure of the people's civilization.

If we are to continue to pride ourselves on the high level of civilization we have attained in our country, it seems to me imperative that we eliminate the unnecessary cruelty of these anachronistic trapping methods. It is only a small step, but it is one which we can take with the deepest satisfaction.

Mr. Speaker, I include the text of the bill at the conclusion of my remarks:

H.R. 8784

A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Declaration of Policy.

It is hereby declared to be the public policy of the United States to discourage the manufacture, sale, and use of leg-hold or steel jaw traps on animals in the United States and abroad.

SEC. 2. Prohibition.

No fur or leather, whether raw or in finished form, shall be shipped in interstate or foreign commerce if such fur or leather comes from animals trapped in any State of the Union or any foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

SEC. 3. Current list.

The Secretary of Commerce shall compile, publish, and keep current a list of States of the Union and foreign countries which have not banned the manufacture, sale, and use of leg-hold or steel jaw traps.

SEC. 4. Penalties.

Anyone shipping or receiving fur or leather in contravention of section 2 of this Act shall, for the first offense, be fined not more than $2,000; for the second or subsequent offenses, he shall be fined not more than $5,000 and shall be sentenced to a jail term of one to three years.

SEC. 5. Effectiveness.

The provisions of this Act shall become effective four years after the date of its enactment.

## TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

The average man in Moscow must work an average of seven times as long as the average man in New York City to buy basic consumer foods.

## SUEZ CANAL CRISIS HAS ITS LESSONS FOR PANAMA CANAL

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, students of interoceanic canal problems long ago pointed out the interaction of the Panama and Suez Canals. What happens to one inevitably has an impact on the other.

The Suez Canal, now located in what is actually a war zone, has been closed since 1967 with momentous consequences that have not yet been fully determined. The Panama Canal, situated in a region of endemic revolution and political instability, has been relatively free of trouble for the sole reason that it is maintained, operated and protected by the United States.

Notwithstanding the vital importance of the exclusive control of the Panama Canal by the United States there are sinister forces that have long endeavored, and still seek, to wrest it from the United States. In such event, the great American waterway could well become the scene of warfare comparable to that which currently envelops the Suez Canal.

At the present time, it is in the interest of Western Nations to keep the Panama Canal open under United States control. Because the Suez Canal is under indirect U.S.S.R. control, it is, as a matter of fact, in Western interest to keep that waterway closed until domination by Soviet power is removed, for its opening would multiply Soviet naval capability in the Red Sea and Indian Ocean; and thus fill the vacuum caused by the withdrawal of British forces east of Suez and advance immeasurably the Communist dream for world domination.

The great naval historian, Mahan, aptly described the Caribbean Sea as the Mediterranean of the Americas. Just as the Suez Canal means the route to the Indian Ocean for its users, largely European, the Panama Canal supplies the gateway to the Pacific for its users, most importantly the United States.

With Soviet beachheads already established in Cuba and Chile, with Soviet submarines and spy vessels in strategic waters of the Western Hemisphere, and with the present Panama Revolutionary Government recently reorganized to include pro-Communists in the cabinet, the establishment of another Soviet beachhead in the Caribbean on the Isthmus of Panama appears closer and the nationalization of American owned properties in that unstable country clearly possible. Such facts as these make imperative early action by the House on pending Panama Canal sovereignty resolutions that aim to clarify and make definite the Isthmian canal policy of the United States as regards the retention of our undiluted sovereignty over the Canal Zone and exclusive ownership of the Panama Canal. Only in this way can our Government serve notice on the world, of its determination to hold our priceless possession at Panama.

A recent column by Joseph Alsop discussing the current problems of the Suez Canal and their significance has its lesson for the Panama Canal. This is that the latter must continue under the exclusive control of the United States. We could surrender such control only at the peril of our country and of the entire Western Hemisphere, including Panama.

The indicated article follows:

[From the Washington Post, May 10, 1971]

IRONIES OF ROGERS' GOAL

(By Joseph Alsop)

The hidden ironies of Secretary of State William Rogers' mission to the troubled Middle East are hardly possible to exaggerate. To

begin with, the wisest handicappers give the secretary a rather better than even chance to "succeed"—in which case everyone in this country will burst into loud and happy cheers.

Success, in this instance, will mean securing Israeli-Egyptian agreement, after further Middle Eastern bargaining, on what is known as the interim solution. The interim solution will involve some degree of military pullback from the banks of the Suez Canal, followed by reopening of the canal to traffic.

If this result is attained, it will offer the Israelis a long and rather reliable ceasefire on their most dangerous front, with the Egyptians. No one in his senses, after all, would waste a great deal of time and money on reopening the canal, without a strong desire to use the canal thereafter. And you cannot very well use a canal which is in the very midst of a war zone.

Right here, however, is the first and biggest irony lurking behind the Rogers mission to the Middle East. If the secretary secures agreement on the so-called interim solution, he will mainly do so because of the intense Soviet desire to reopen the canal and to use it.

The Egyptian or other Arab gain from the interim solution will be downright trifling, compared to the Soviet gain. In truth, the fair prospects for this solution are a simple measure of the enormous leverage that the Soviets now possess in Egypt.

The Soviet gain can also be simply measured. The reopening of the Suez Canal will automatically multiply by a factor of at least four, and perhaps even more than that, the Soviet naval power in the Red Sea and the Indian Ocean. The multiplication will be automatic because of the immense shortening of all distances for the Soviet navy.

A big base now being built at Port Sudan; another base on the Socotra Islands; a kind of proto-base on the island of Mauritius, secret negotiations now in progress with the government of Ceylon, for use of the great naval base at Trincomalee—these should be proof enough of the intensity of the Soviet desire to be able to deploy important naval power in the Indian Ocean and the Red Sea.

The prize the Soviets are reaching for in this area is not in doubt, either. The British are leaving the Persian Gulf, which is shortly due to become a total power-vacuum. The Persian Gulf is like a great tap, turnable off or on, that controls most of the world's oil. A great extension of Soviet naval power is now needed, in sum, to get the world oil tap into Soviet hands.

As to the second great irony lurking behind the Rogers mission, it is also rather simple. In brief, the Israelis seem to be almost uniquely aware of the enormous risks of the extension of Soviet naval power that may now be in prospect. The Western Europeans could hardly care less. This country appears to be equally unworried, despite the frightful upset of the world balance that will promptly result if the Soviets ever get their hands on the world oil tap.

The Israelis, in contrast, are very deeply worried. The defense minister, Gen. Moshe Dayan, was the first man in Israel to come out in public for the interim solution. But when he did so, he also passed the word that he would withdraw his suggestion immediately, if the U.S. government objected to the reopening of the Suez Canal.

There was no answer to Dayan. There was no answer, either, to Dayan's cabinet colleague and political rival, Yigal Allon, when he made the same point in Washington some weeks ago. In Jerusalem, again, the point was raised with Secretary Rogers with some bluntness. Yet the American negotiators continued to press for the interim solution.

There are two reasons for this bizarre situation, in which the Israelis have shown more concern than the Americans for vital American interests. The first reason is that the Israelis are not victims of the popular American delusion that the Soviets have somehow changed their spots. They are quite sure the Soviets will grab for the world oil tap, if the grabbing ever looks easy to them.

In addition, the Soviet intervention in the Middle East has taught the Israelis a grim lesson. The lesson is that despite their own great courage, they live and do their business and enjoy their freedom by virtue of the guts and power of the United States, so they naturally worry about what may happen to the United States, even if people here do not worry!

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## CENTRAL ISSUE OF OUR POLICY TOWARD ASIA; NAMELY, OUR RELATIONS WITH CHINA

The SPEAKER. Under a previous order of the House the gentleman from Maryland (Mr. MITCHELL) is recognized for 10 minutes.

Mr. MITCHELL. Mr. Speaker, in light of the crisis in America's Asia policy and the fundamental review of United States-China policy said to be going on in the White House, and in the hopes of stimulating thorough discussion of the full range of problems and alternatives, I wish to make my thoughts and position clear on the central issue of our policy toward Asia; namely, our relations with China.

In the long run there is no more critical issue in America's role in Asia than our China policy, for how we have dealt with China is in no small part at the wellspring of our war policies in Indochina, American policy toward Japan and our policy toward our client states on the periphery of China.

I feel it is imperative at this time, that our discussion of this issue go beyond cold war sloganeering on the one hand, and, on the other hand, the facile rhetoric of building bridges with China. We must face squarely the problems between China and the United States and seek ways to deal with them.

I, therefore, wish to submit for the consideration of my distinguished colleagues, my China position paper which was originally delivered in abridged form to the Baltimore Area Council of World Federalists on Thursday, May 27, 1971:

### THE REALITY OF THE CHOICE—U.S.-CHINA RELATIONS

I come to speak to you tonight regarding the future of relations between two of the great countries of the world, China and the United States. That future is bound up with our past and present relations, and there is no way—however one might wish there were—to intelligently consider the future in isolation from the past.

I

The impact of recent events, namely the trips by the U.S. ping-pong team and others may have obscured the nature of that past in the American mind, a past from which we already had been cut off by layers of self-serving myths concerning American policy and behavior toward China in the Twentieth Century. We were, of course, most of us delighted by the Chinese invitations and by the warm welcome our countrymen received in China. But this satisfaction, verging at times on euphoria, may mislead us if we fail to understand these events in the context of Sino-American relations over the last several decades or so.

Already we see official U.S. government explanations and trial balloons that attempt to place the latest Chinese initiatives in a light most favorable to the Nixon Administration's policies. Thus we learn, for example, that the Chinese invitation is a "response" to a series of positive, if restrained, steps the Nixon Administration had previously taken regarding China in the areas of travel and trade. More than that, we learn that the Chinese today are in a more open frame of mind, more pragmatic, more compromising. If this official line of reasoning continues to be developed, it seems predictable that the next stage in our collective enlightenment by our government may well be the Administration's suggestion that, given the "proven success" of the Nixon initiatives toward China, the evolving U.S. position of one-China and one-Taiwan on the United Nations issue also is likely to be acceptable to China.

The Administration's argument appears to have two prongs. First, if China indeed is more pragmatic then will she not respond favorably to what *we* see as a reasonable compromise on the Taiwan issue, one that simultaneously offers us the virtue of "honoring our commitments to the people of Taiwan," while furthering our interest in bettering relations with the People's Republic? And second, if, on the other hand, as increasing numbers of China experts predict, China will *not* respond positively to a one-China, one-Taiwan proposal, then will we not have done all that reasonable and honorable men can do? The answer to both of these questions is no. The answer is no, in part because the question itself appears to be the wrong question. China's national interest in the future status of Taiwan is much greater and more direct than America's, and China has made her position regarding Taiwan abundantly clear. The issue for Peking is whether the United States will respond positively to China's position, a position that she sees as reasonable in terms of her own history, and one on which in more than twenty years she has given no evidence of compromising the substance.

It is important, therefore, to recognize that beneath today's surface of events, which gives some signs of new openness on both sides, beneath that surface all the same problems still fester. And it is vitally important also to recognize that an attempt is likely to be made by the Nixon Administration to cover up the grievous failures of a of a quarter-century of America's China policy in a series of moves that tries to make our policy appear to be vindicated rather than bankrupted. We must not allow this to happen. We must not allow it to happen, because if we wish to significantly improve our relations with China we must directly confront these problems and our role in creating them. We must not allow further obfuscation of the truth of what we have done if we are ever to understand ourselves and to avoid repeating similar patterns of behavior in the future. Our record in China is not the glorious one we have been led to believe, and we must learn to face forthrightly the shames as well as the glories of our past, if we are to grow as people.

Ah, some may say, that is all well and good, but now is not the time for such breast-beating. Surely we recognize that America is not wholly without fault in the worsening of relations between China and the United States that followed the beginning of the Korean War. Surely we recognize that we have made mistakes, but just as surely we know that we have fundamentally supported

the Twentieth Century struggle of the Chinese people for national self-respect. And we know, too, that raking up the dead ashes of the past will only lead to unproductive recriminations against those who were responsible for formulating and maintaining our China policy. Now is the time, so the argument goes, to focus on the hard, practical problems at hand, to put the mistakes and ill will of the past out of our minds, and to deal with each other in a pragmatic manner that will contribute to building bridges China and the United States.

Would that that were possible—that men could resolve their problems while ignoring the causes of those problems and without considering the question of responsibility for the creation and perpetuation of such problems. But it is not possible, because men are human, because they have memories and because problems have histories and cannot be understood or resolved without attending to their background.

America's generation-old China policy today is in crisis. We can no longer isolate China. We can no longer exclude her from the international community of nations. And that crisis, epitomized in its immediacy by our forthcoming, predictable loss in the United Nations, has created the incentive and set the tone for most discussions of our China policy. But crises, as Chinese ideographs for the word "crisis" make clear, incorporate both dangers and opportunities. We should utilize the crisis in America's China policy as an opportunity to fully reexamine our past dealings with China and, based on a fundamentally new evaluation, to formulate policy responses that go beyond those tailored primarily to the Administration's perception of the immediate crisis concerning Peking's seating in the U.N.

II

In beginning to de-mystify our understanding of Sino-American relations there is no better place to start than with the differing conceptions of the history of our relations held by the Chinese and American peoples. A sage of some race, color or creed once said, "If you wish to understand a country, learn what its people remember. Americans remember an altruistic, long-suffering, righteous American that fought side by side with Chinese for China's independence and self-determination, only to be rejected in 1949, by an irrational, hostile China. Ironically, we continue today to embrace this image of our conduct that strikingly resembles the image we held only five or six years ago of our behavior in Vietnam.

But the Chinese remember that history so differently. They remember the history of relations between the U.S. and China during the last seventy years in terms of a series of principled statements made by the U.S. that all too frequently were followed by a series of betrayals of those very principles through the actions or inactions of the United States. From the declaration of the Open Door through our defense of the Chiang K'ai-shek government. America, in Chinese eyes, has been pursuing its own global interests at the expense of the people of China. And, sad to say, the Chinese vision of history is closer to the facts than ours.

What, for example, does the Open Door Doctrine mean to most of us? It means, of course, the declaration of U.S. respect for the territorial and administrative integrity of China and for the right of these Chinese people to self-determination as against the imperialist incursions of the major European powers and Japan. But did it really mean that? Why did America at the turn of the Twentieth Century adopt the Open Door Doctrine? And what did it mean in practice?

To dispel the first and most common illusion, the Open Door is not an example of U.S. generosity toward China. Rather, it is an example of a U.S. policy that was primarily and narrowly based on American self-interest and subsequently sold to the general American public under the guise of altruism. America favored an open door in China because America was, in the early 1900s, far behind the traditional colonial powers in the development of spheres of interest in China. We favored an Open Door Policy because, with our rapidly expanding economy, we believed such a policy was the most effective way to assure for ourselves that access to markets and raw materials in China. It was not in our interests, nor was it in China's interests, for China to become the exclusive colony of one of the imperial powers. Nor was it in our own or China's interest for China to be divided up among the imperial competitors into a number of mutually exclusive, closed-door spheres of interest. It was, rather, in our interest, if not China's, to keep the door to China open to all comers, who would compete under ground rules formulated and acceptable to the great powers and accepted by the foreign-dominated government of China.

If our own people have not understood the hard-nosed, self-serving reality of the Open Door Doctrine, our allies and enemies certainly have. None of the great powers such as Great Britain, or Japan, who had developed their entrenched position in China more effectively than we, accepted the Open Door principle. They rejected it, not because they were less altruistic or less generous than we, but because they saw that *their* self interest would not be well served by *our* policies. The Open Door Doctrine, for all its high-flown moral tone, was an attempt to assure that the United States get the fruits of Western imperialism in China without having to bear the main burdens.

Throughout the first forty-odd years of the Twentieth Century we continued to mouthe pieties about China that were aimed primarily at limiting the development of other powers' interests there. And when the Chinese, for example, during the Versailles Conference following World War I, or in 1931 when Japan invaded Manchuria, took our declarations of respect for China's sovereignty seriously, they repeatedly were disillusioned by our failure to support our principles and by our ultimate accommodation to the power plays in China by Japan. Not that we were happy to see other powers expanding their role in China at our expense, but until the 1940s we felt neither the will nor the power to physically deny that expansion to them.

All that began to change during and after World War II. During the War the rhetoric of Open Door was transformed into the rhetoric of the U.S. helping China to build a strong and independent nation. Once again our people saw themselves as the defenders of all that is good in the world. And once again our policy makers deceived themselves and us into believing that generosity and high moral principles, rather than narrow self-interest, provided the basis of our policies toward China.

But our role in the Chinese civil war of 1946–49 and our actions thereafter pierced the veil of rhetoric. When we spoke of a strong and independent China, we did not mean a China that was independent of the United States, nor one strong enough to resist our dominant influence. When we spoke of a strong and independent China, rather, we meant a grateful, friendly China, strong enough to maintain the balance of power in Asia in our favor, a China independent of the Soviet Union and independent of Japan.

The test of the pudding was in the eating. The first really strong and independent government that emerged in China in the Twentieth Century, the first government to have the active support of the vast majority of the Chinese people, that government—the People's Republic—we fought tooth and nail both during the Chinese civil war that led up to its founding and, with the possible exception of a few months in late 1949 and early 1950, on into the 1950s and 1960s.

The extent of America's involvement in the Chinese Civil War during the 1940s has been obscured—much as has the extent until relatively recently of our involvement throughout Indo China—by our understandable desire to believe the best of America, by our own self-interest, and by the propagandists of America's war machine. Our exposure to the Vietnam war, however, may finally have opened our minds to the reality of an ugly America in Asia, to the point that we can reconsider today America's role in China after World War II.

It has been generally assumed that the United States was not very deeply involved in the Chinese civil war between the Communists and the so-called Nationalists. It is assumed, further, that although we did give some limited support to Chiang's Nationalist government, we also tried to mediate the conflict and that, in any event, we moved expeditiously to extricate ourselves from our limited involvement when Marshall's mediation effort failed in 1946. That is the myth of U.S. restraint, but the reality is far less pleasant.

If the complex circumstances of the last half of the 1940s—including our primary commitment to Europe, the domestic demand in America to demobilize after World War II, and the then only limited development of our super power and of our anti-communist ideology—if these circumstances were not conducive to massively involving the U.S. in a Vietnam-style commitment in China, the extent of our peacetime involvement in the Chinese civil war was, nevertheless, truly fantastic. For example:

(1) We arranged the terms of the Japanese surrender in World War II so that, although the Chinese Communist forces had fought the Japanese at least as hard and as successfully as the Nationalist forces, the Nationalists were to be the exclusive recipients of the Japanese surrender in China proper. This meant that one side in the temporarily abated civil war was to get all the prestige, arms and the strategic ground formerly occupied by the Japanese.

(2) We employed U.S. marines to hold cities and lines of transportation either for Nationalist forces or for the puppet forces who during the war had collaborated with the Japanese and after the war cooperated with the Nationalists. In so physically interposing our troops into key areas on the side of the Nationalists, we once again denied to the Chinese Communists what they thought was rightfully theirs.

(3) We deployed U.S. planes and ships to move hundreds of thousands of Nationalist soldiers into positions against the Chinese Communists, in what may well have been the largest airlift in the history of Asia.

(4) We gave military aid, training, and equipment exclusively to the Nationalist forces. All told, we spent approximately 2 billion dollars between 1945 and 1949 in support of the Nationalists, a huge sum of money in those days.

And (5), when it appeared in 1948–49 that the Chinese Communists were going to win, we lobbied among our allies to prevent their recognizing the new government.

In short, much as we have done in Vietnam, we intervened in a domestic civil war on the side of an unpopular, corrupt government and thereby criminally prolonged the agony of that civil war.

But what of our seemingly well-intentioned, if benighted, attempt in 1946 to bring

the warring factions in China together? Even that effort, the Marshall Mission, loses most of its lustre in retrospect. True, its primary aims were to arrange a cease fire and to encourage the setting up of a coalition government. Our motives in pursuing those aims, however, suggest that something less than the desire for a just peace lay behind our efforts. We sought to arrange a cease fire largely because we feared that the Nationalist forces could not hold Manchuria from the Chinese Communists without such a halt in the fighting. And we sought to establish a coalition government expecting that the Nationalists would dominate it, and hoping that such domination, with our support, would lead to the elimination of Communists from the government. In short, it appears that the purpose of the Marshall Mission was to achieve by less costly means the same goal to which our military strategy had been tailored, the domination of China by the Nationalist forces. We consistently opposed the Communists, because we feared they would close the door on us. Ironically our persistent support of the Nationalists made it more likely that our fears would prove to be self-fulfilling.

III

Very interesting, some might say, even enlightening as a precedent for our current Vietnam involvement, but why bring it up today when the immediate issue is what to do about China and the U.N.? Why? Because Peking's entry into the U.N. is not the central issue. Rather it is only the most immediate and most obvious aspect of the continuing crisis in our China policy. Why, because if we are to begin to deal with the Chinese on the basis of equality and mutual respect, we must begin to understand the basic core of truth in their perception of America's behavior toward China in the Twentieth Century. If we truly desire to improve relations with China, we cannot do so without first understanding what is important to China; what she is likely to be willing to bargain away and what she will not; what she sees as directly threatening her interests; and what the grounds are for Chinese suspicions of America, and how those suspicions can be overcome.

Chinese Communist suspicions of America, reinforced in the last half of the 1940s, were confirmed once again by America's behavior during the Korean War. Despite the fact that China did not initiate that war, despite the fact that China warned us she could not tolerate our crossing the 38th parallel and our driving up to the Yalu River, and despite our own awareness of these facts, we chose nonetheless to send our armies up to China's borders, to bomb those borders, and even before China entered the war in reasonable self-defense, to interpose our Seventh Fleet in the Taiwan Straits, both to prevent Peking from consolidating her victory and to perpetuate a rival claimant to China.

And after the Chinese entered the Korean War under these circumstances, we then: 1) had China branded by the U.N. as an aggressor, which she clearly was not; 2) redefined as "to-be-determined" the status of Taiwan, in derrogation of our prior treaty commitments and official statements which recognized that Taiwan was part of China; 3) had a trade embargo imposed on China, and encouraged and pressured our allies to enforce it; 4) renewed large-scale military and economic aid to the Chiang government, which undoubtedly could not have survived without it; and 5) consistently led the fight to keep the Chinese Communists from gaining the China seat in the United Nations.

Today we continue to intervene in the Chinese civil war. We still support and maintain treaties with the Chiang regime, which claims to represent all China. We have continued to block China's entry into the U.N. by a series of ruses, beginning with our keeping the credentials question off the agenda in the 1950s, and then subsequently in the 1960s by making it an "important question" requiring a two-thirds vote of the membership. In addition, we continue to pursue a heinous, genocidal war on the very borders of China. We ring China with missiles, military bases, naval fleets, and a rearmed Japan.

And now, in the 1970s we appear to be in search of a new ruse, as it appears that our earlier ploys are about to fail to prevent the seating of the People's Republic in the U.N. This latest ruse is intended, I believe, either to further delay Peking's entry into the United Nations, or in the hope that we can more-or-less dictate the terms upon which she is permitted to enter. This latest ruse, and I characterize it as such with all due respects to the many people who sincerely support it on principled grounds, is the one-China, one-Taiwan formula—and all the variations on that theme, from the grosser two Chinas formulation to the more sophisticated trusteeship proposals covering Taiwan.

The one-China, one-Taiwan formula is portrayed as the new pragmatic but principled rational route to a better China policy. It is said to protect our honorable commitments to the people of Taiwan while taking account of the need to normalize relations with Peking. By contrast, just as proposals for unilateral withdrawal from Vietnam were seen as extremist only 3 years ago, so today a policy that recognizes only Peking as the government of all China and which, reaffirming our position of the 1940s, declares that Taiwan in principle is part of the People's Republic, such a policy is portrayed as extremist or illiberal.

But is such a policy really so radical? Or is it simply made to appear radical in the context of America's cold war politics? If, as a reasonable standard for judging the quality of such a policy, one looks to the position of our hardly radical NATO allies on this issue, the conclusion is inescapable. Checking the voting of our NATO allies on the one-China, Albania resolution at the last session of the U.N., a resolution that would have seated Peking and excluded Taipei from the U.N., one is shocked to learn that of all our NATO allies only Greece and Turkey—the two most dictatorial and corrupt of those allies—voted against the Albanian resolution. So, with regard to the United Nations issue, a two-China or one-China, one-Taiwan policy, which many in the U.S. argue is a pragmatic and principled position, is equivalent to the Greek-Turkey position.

Must we not, moreover, after our experience in Vietnam, be wary of our self-asserted idealism as it applies to other parts of the world? Have we really, for example, been concerned as we claimed, about the right to self-determination of the Vietnamese? And similarly can one take our suddenly asserted claim for the people of Taiwan's right to self-determination at face value, however sincere some of its proponents may be? We have on Taiwan, after all, supported for over twenty years a police state government, one that represents at best only a small minority of the island's population. Some of our leaders now choose to talk of self-determination for the Taiwanese because it suits them to do so. Those officials selectively apply moralistic slogans when they think it is to our self-interest, and many Americans are taken in by such stands.

On the other hand, there is no denying, however ill-fit America may be to raise this issue, that a potential moral dilemma nevertheless may remain. To put it most simplistically, one may have to choose on the one hand, between the morality of normalizing our relations with China, which in turn is likely to substantially reduce the intensity of the cold war in Asia and thereby to reduce the probability of future Vietnams, and on the other, the pure morality of self-determination. It is not without some difficulty that I have, on balance, chosen the former.

But aside from the moral issue, we will be, if we adopt a one-China, one-Taiwan formula, once again on the road of trying at great cost to achieve the unachievable. Both the Peking and Taipei governments, in accordance with Chinese tradition, embrace the vision of one China. Both reject the various conception of 2 Chinas. Moreover, the Chiang government's very claim to legitimacy depends upon its claim to represent all China.

IV

Why, then, do we resist the one-China formulation and seem likely, at best, to adopt a one-China, one-Taiwan formula? What might we gain and what might we lose by adopting a one-China policy?

The main principled reason for opposing a one-China policy appears to be to safeguard the right to self-determination of the people of Taiwan. As indicated above, however, we have not been very solicitous of that right up to now. Nor are we solicitous of the right of the Greek, the Spanish, or the Brazilian peoples to a government of their choice. Moreover, if the Taiwan regime were expelled from the United Nations, would the people of Taiwan suffer, or only the dictatorial government that rules them? In any event, there is no hard evidence that the people of Taiwan want to be independent of the People's Republic. And for those who suggest a neutral plebiscite to decide that issue, it must be remembered, first, that there are no such things as neutral plebiscites in a police state, and, second, that the proponents of such a seemingly equitable solution are proposing to dispose of the territory of another nation in a manner that were it applied to, say, the American South in 1860 would have greatly distressed them.

Leaving aside, then, the complex matter of principle, what do we fear in the one-China formula, which leaves it to Peking and a Taiwan excluded from the U.N. to work out their future between themselves? Do we believe that if we adopt a one-China policy and thereby terminate our mutual security pact with the Nationalist regime, that the Chinese Communists will invade Taiwan? Surely our panoplied intelligence networks know better. The Chinese Communists have no navy, and Taiwan is 100 miles off the coast. Do we fear we will lose face if we adopt such a policy? But that is ridiculous. We will soon have no face left to lose if we do not change our position, for a majority of the members of the United Nations voted last year to seat Peking and to expel Taipei, and the number that will vote this year to do so has risen substantially. We will not save face by going down with the boat.

Relatedly, do we hope that by adopting a one-China, one-Taiwan position we can negotiate a compromise with the Peking government, using our new position as a bargaining counter? But what is there for Peking to compromise? Her sovereignty? And what, I ask you, does the U.S. plan to give up? If it plans to give up merely its opposition to the seating of Peking in the U.N., then it is giving up nothing of value, for we are about to lose on that issue.

Or perhaps some of our leaders hope that by standing for an independent Taiwan we can hold the island for Japanese expansionism. Taiwan once was a colony of Japan, and it is today increasingly under the joint economic dominance of Japan and the U.S. Once again we may be hoping to preserve the Open Door in Taiwan by denying the island to the mainland government.

In any case, it appears likely that Taiwan

will continue to be a pawn in the political moves of the great powers. This is the unfortunate fact. If its future, like its past, is to be determined by power politics in any event, then it seems reasonable that the disposition of Taiwan should at least contribute to the resolution of the critical problem in Asia, the normalization of Sino-American relations. American machinations in the effort to salvage something in the short run from our ill-fated policy of supporting the Nationalist government, on the other hand, will only exacerbate relations between Peking and Washington and will in the long run redound to our detriment.

V

Here, then, is what I propose in an attempt to deal with the major problems in U.S.-China relations. First, regarding Taiwan, which is the nub of the problem, I propose that the U.S. withdraw its forces from Taiwan, end its treaty commitment to defend the Republic of China, and withdraw all support and recognition from the Chiang government. We should instead declare that the sole, legitimate government of China is the Peking government, that Taiwan is part of the People's Republic, and that it will be up to the Chinese themselves on both sides of the Taiwan Straits to work out the future specific relationship between the mainland and Taiwan.

Second, we must end the Indo-China war immediately. We should unilaterally, totally and unconditionally withdraw from Indo-China as fast as is logistically possible. We cannot substantially improve relations with the People's Republic while we pursue an obscene war on the edge of her territory.

And finally, we should dismantle our military bases and support operations around the periphery of China which encircle her. We should, in short, withdraw from our position as successor to the colonial powers in Asia.

These steps, I believe, are in our national interest, in the interest of better relations with China, and in the interest of world peace. We cannot improve relations with China by gimmickry. We cannot improve relations with China without dealing with the security and other interests that are central to China's existence and status. She is *not* about to bargain away any of these interests, for which she fought militarily in the 1940s and 1950s. There are no easy routes to better relations with China. The kind of fundamental changes I suggest will require a total reassessment and rejection of much of our Asia policy.

And what is so impractical or naive about confronting directly the most serious problems in our relationship with China? Press the so-called 'pragmatic' men who give you all the assertedly 'realistic' arguments why we cannot do what I have proposed. Press them, and you will see the seeds of the Vietnam tragedy and of future such tragedies germinating in their pseudo-realism.

Given our past and continuing behavior toward China, peace between the U.S. and China cannot be achieved without substantial U.S. concessions. But it will be well worth the cost to us. And that *is* realistic!

## HEARING SCHEDULED ON RECORD PIRACY BAN

The SPEAKER. Under a previous order of the House the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, the Subcommittee on Patents, Trademarks and Copyrights, Subcommittee No. 3, of the Committee on the Judiciary, under my chairmanship, has scheduled a public hearing on S. 646, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes, and on H.R. 6927, a measure identical to S. 646 as introduced. The hearing will begin on Wednesday, June 9, at 10 a.m., in room 2226, Rayburn House Office Building.

## REPRESENTATIVE McFALL INTRODUCES LEGISLATION TO AMEND THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961 TO EXTEND FINANCIAL ASSISTANCE TO COOPERATIVE ORGANIZATIONS

The SPEAKER. Under a previous order of the House the gentleman from California (Mr. McFALL) is recognized for 10 minutes.

Mr. McFALL. Mr. Speaker, recognizing the need to bolster our farm economy and to place the American farmer in a more favorable bargaining position, I am today introducing legislation to amend the Consolidated Farmers Home Administration Act of 1961 by extending financial assistance to cooperative organizations.

Under this proposal, Farmers Home Administration loans could be made to both new and existing cooperatives which serve rural families, when such cooperatives are unable to obtain needed credit from other sources.

By extending the loan provisions of the existing law to include cooperatives, we can bridge a serious credit gap in our rural economy. Such a move would encourage the development of new cooperatives in areas where they are most needed, strengthen existing cooperatives, and promote the development of our rural resources.

The economic future of rural America depends to a large degree on building strong cooperatives, through which farmers can exert their bargaining power for fair prices and adequate income, just as other sectors of the economy now do. A strong system of cooperatives offers the farmer hope of real independence, freedom from artificial price supports and the complexity of constantly changing Government regulations.

Every proposed farm bargaining bill submitted to Congress in recent years, and every farm bargaining study made by our land-grant colleges, stresses the need for a strong, expanding, and effective cooperative system within agriculture. It is in our national interest to strengthen these cooperatives. This means coperatives across the board—marketing cooperatives, purchasing cooperatives, processing and distribution cooperatives. Without this cooperative structure, the farm family hasn't the ghost of a chance of ever achieving competitive bargaining power which has long been accepted as a basic right of all workers.

Over the past decade, a number of improvements have been made in the original Consolidated Farmers Home Administration Act of 1961.

One such improvement is the expansion of the agency's loan program to make it possible for the beginning farmer and the small farm operator to own and operate a more efficient farm.

Another has been the creation of a rural housing program that is designed to eliminate the 3 million or more substandard homes in rural America and give rural families the same opportunities in housing that are held forth to the rest of the Nation.

Yet another improvement is in the provision for credit to rural communities for the establishment and upgrading of basic community facilities such as water and waste disposal systems, outdoor recreation areas, and other programs to enhance the quality of rural life.

All these were necessary improvements that helped close the credit gaps in rural America. Now we need to close the gap that exists in the total lack of adequate credit for many farm cooperatives.

Without the availability of adequate credit, many farm cooperatives have been impeded in their efforts to expand or initiate new programs, and new cooperatives without adequate financing are doomed to failure before they are firmly established. Yet farm families are powerless to improve their individual condition or achieve economic stability without the bulwark of these organizations. That is why it is imperative to make financial assistance available to them.

This plan is not without precedent. Currently, under title III of the Economic Opportunity Act, the Farmers Home Administration has authority to make loans to organized rural groups to provide processing, marketing, and purchasing services for their members and patrons. But these rural cooperatives are not eligible for this type of loan unless two-thirds of its family members are classified as below the poverty level.

This provision has been an important one in fighting rural poverty. The economic opportunity co-op loans have created many more adequate processing, purchasing, and marketing facilities for poverty-stricken farm families. It is essential that such a program be continued. But it now appears that funding for the OEO program will end with the present fiscal year.

The amendment I am proposing would enable the Farmers Home Administration to continue the type of assistance initiated under the OEO program and give low-income farm operators the means of organizing into effective cooperatives to improve their position in the marketplace.

The OEO program has given us some insight into the needs of people who have fallen behind in the race for economic equality through no fault of their own. The solution to their problem lies in organization. But their efforts at organization often end tragically because of inadequate financing. Unfortunately, it takes time for a cooperative organization to move into the economic mainstream, and our present system of loan repayment does not make allowance for that time factor.

This bill would make funds available to them at terms that could realistically be met by a beginning, struggling organization.

Established farm cooperatives have access to credit resources through the Farm Credit Administration's bank for cooperatives, which has made an outstanding contribution to the growth of farm cooperatives and continues to be an important aid. But the banks for cobanking policies with specific requirements of assets, net worth, and management experience. This of course, is sound banking practice. But the effect is to limit eligibility to organizations that are better established, more sophisticated, and more broadly based, while those cooperatives whose needs are greatest are unable to qualify.

In the OEO program and the banks for cooperatives we see loan provisions for the very low income level and for the higher income level. But in between there is a large segment of the agricultural population that cannot command adequate credit to develop and expand its own cooperatives. This large in-between group needs a credit program of intensive and constant advice and assistance at the local level if they are to thrive and gain the economic strength they seek.

The Farmers Home Administration is the ideal agency to carry out this type of credit program through its local county offices, where close contact can be maintained with the cooperative organizations that avail themselves of this loan opportunity.

The amendment I am proposing augments but in no way overlaps or duplicates existing farm credit provisions. I hope to see it enacted and implemented to bring about greater equality of opportunity in our rural areas.

A copy of my bill follows:

H.R. 8800

A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans and grants to certain cooperatives serving farmers and rural residents, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Consolidated Farmers Home Administration Act of 1961 is amended by adding the following new section 310 at the end of subtitle A:

"SEC. 310. (a) The Secretary may also make or insure loans to local cooperative associations furnishing to farmers and rural residents services and facilities for harvesting, storing, processing (including preservation or preparation of edible products for market), transporting or marketing agricultural commodities or products, consumer purchasing services, or the processing or marketing of other products of farmers or rural residents. Such loans may include funds for the organization and establishment of the association, necessary land, buildings, and equipment, or for the repair, expansion, or enlargement of such services or facilities, for operating capital and for refinancing. Such loans may be made or insured only if the applicant certifies and the Secretary determines that there is a need for such services and facilities in the community not now being met by private or other cooperative enterprises.

"(b) The Secretary may also make grants to such cooperative associations to assist in defraying their operational and maintenance costs for such periods as the Secretary determines necessary to assure their successful operation."

SEC. 2. Paragraph (b) of section 333 of such Act is amended by inserting after the figure "306" wherever it appears in said paragraph the following: ", 310".

## THERE IS A NEED FOR EXTENSION OF THE RENEGOTIATION BOARD

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the Renegotiation Board's life will soon be at our mercy once again, since it is due to expire June 30, 1971. It is my hope that we shall have an opportunity to thoroughly consider legislation to extend the Renegotiation Act on the House floor under an open rule.

The Board, as I have said before, on many occasions plays a very important role in preventing what I call war profiteering. It oversees $48 billion of procurement each year, carrying out the purpose of the Renegotiation Act—the elimination of excessive profits on defense and space contracts and related subcontracts.

Yesterday, on May 31, the Washington Post made a release which, if true, strongly exemplifies the pressing need for the extension of the Renegotiation Act, and, further, for the strengthening of the Renegotiation Board. The article, entitled, "Defense Contracts Are Assured of Rising Profits" states that several policy changes are soon to be initiated in the purchasing of major weapons systems. It indicates that Deputy Secretary of Defense David Packard is insisting on "more cost plus-incentive-fee contracts," which has historically yielded the highest profits level. This type of contract covers all costs and gives bonuses for good performance. The Pentagon's generous policy of bonus awards has yielded greater profits—and greater possibility of excess profits.

Since there is very little genuine competitive bidding in Pentagon procurement, the Renegotiation Board's authority will be reaching these contracts with propensities for excess profits. Only 11.4 percent of the awards in the budget year, ending last June 30, were advertised for open bidding—leaving the other contracts to be negotiated on a contract by contract basis with little or no competition.

In view of these proposed policy changes, the renegotiation process will be needed more than ever.

The Renegotiation Board's record is very good, and the need for it is clear; I trust that my colleagues will give this issue timely and careful consideration.

The news release follows:

[From the Washington Post, May 31, 1971]

DEFENSE CONTRACTORS ARE ASSURED OF RISING PROFITS

(By Bernard D. Nossiter)

A ranking Pentagon official has privately assured industry that profits on defense contracts "will probably increase" under new procurement policies established by David Packard, the Deputy Secretary.

The assurance was given at a closed-door meeting of the Industry Advisory Council, the top level business group that meets periodically with high Defense aides.

At the last IAC gathering in the Pentagon on Feb. 12, J. Ronald Fox, Army Assistant Secretary for Installations and Logistics, delivered the news.

The Washington Post has obtained texts of the presentations made for the businessmen.

Fox observed that a Packard memo of May 28, 1970, calls for several policy changes in the purchasing of major weapons systems. Among them, he said, is an insistence on more cost-plus-incentive-fee contracts Fox noted that historically this form of contract has yielded the highest profits level.

In addition, he said, Packard is calling for more "follow-on" production contracts, directly awarded to the winners of weapons design competitions. The absence of competition for production contracts, Fox said, should also enlarge profits.

A Senate Subcommittee on Intergovernmental Relations under Lee Metcalf (D-Mont.) has been exploring the operations of business advisory groups throughout government. His unit plans to examine the Pentagon and its IAC at hearings in mid-June.

Packard is chairman of the IAC. Its 24 industry members are drawn largely from major defense contractors and bankers.

A major controversy has broken out over the level of defense profits. An independent analysis of $4.3 billion worth of defense business by the General Accounting Office computes the average pretax rate of return on owned investment at 56.1 per cent. The Pentagon and the weapons makers point to a GAO summary of reports by contracts which indicates an average return of 21.1 per cent. The GAO and the industry claim that the independent analysis is unrepresentative.

There are four principal types of contract.

Firm fixed price, as its name implies, determines the total sum that the Pentagon will pay for a weapon.

Firm Fixed Price-Incentive Fee offers bonuses, on top of the fixed price, for meeting a delivery date on time, matching performance specifications and the like.

Cost plus Fixed Fee covers all a contractor's costs in designing and producing a weapon and gives him a predetermined amount as profit on top of this.

Cost plus Incentive Fee, the type now ordered by Packard, covers all costs and again gives bonuses for good performance.

According to procurement experts, the cost-plus-incentive-fee contract that Packard is advocating is not inherently more profitable than other contract forms. But in practice, because of a generous policy of bonus awards by the Pentagon, it has become so.

Fox told the IAC that studies by a Pentagon-financed research organization, the Logistics Management Institute, show that "contractors have earned a higher actual profit on Cost plus Incentive Fee contracts than on any other contract type."

In any cost-plus arrangement, the contractor is virtually spared the need for any working capital. As Fox pointed out, he is reimbursed for all his bills when they are presented, unlike a fixed price contract in which he normally gets reimbursed at once for 80 per cent of his costs.

The logic of higher profits from follow-on contracts flows from their nature. If the winner of a weapons design competition is assured that he will automatically receive the contract to produce quantities of the item, he is in a strong position to dictate what the government will pay for it. The alternative method, which Packard is apparently discouraging, would open the production contract for competitive bidding.

There is very little genuine competitive bidding in Pentagon procurement. Only 11.4 per cent of the awards in the budget year ending last June 30 were advertised for open bidding. The Defense Department sponsors a limited type of competition for major weap-

ons, typically inviting three of four big companies to submit designs.

At the IAC meeting John Lawrence, chairman of Dresser Industries, which makes machinery and equipment, urged the Defense Department, to "rely on the normal market place . . . not much—and then only for commodities."

"Over-emphasis on placing contracts always with the lowest bidder," he said, "is a sure way to emasculate the viable military base."

The Pentagon should "recognize that competition is not consistant with a strong mobilization base," he said. "The country will be best served to have a strong mobilization base, rather than cut throat competition."

"Give credit," Dresser urged, "to the tried and proven and don't go for the low bid 'Johnny come lately' contractor without careful evaluation."

Without citing any figures, Dresser declared that "profits of military contractors are so small and unpredictable as to make military work generally unattractive. This inadequacy must be corrected promptly. . . . Find a way to make military contracts more profitable."

Packard, has said he agrees profits should be higher. The Fox address to IAC appears to spell out the probable method to increase profits.

In a telephone interview, Fox said he had a "visceral feeling" that Pentagon procurement is moving in the direction commanded by Packard. But the shift is too recent to be reflected in the statistics collected by procurement officials.

## CHANGES NEEDED IN IMPORT POLICIES FOR HOME HEATING OIL

The SPEAKER. Under a previous order of the House the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, it was the poet who shrewdly observed: "What a tangled web we weave when first we practice to deceive." No better application of the aphorism can be found than in the tangled web which has been the oil import program. Deception may be too harsh a word to describe this program because it was instituted, I am confident, by honorable men for honorable purposes. But, good intentions are not enough. The import program may have been designed to meet some national security objectives but it was, at the same time, the least efficient, most expensive, and most complex way to meet that objective. And it is fair to say, I believe, that it has gone beyond the legitimate national security concerns. It is today in effect, a price support program for the domestic oil industry, paid for by the American consumer.

I recognize, too, the political unfeasibility of substantially revising this program. If you recall, the President of the United States, soon after he took office, felt that the program should be reviewed and a task force under the chairmanship of George Shultz was appointed to undertake that task. It concluded that the cost to the public of the program was far in excess of that required for national security regulations and recommended a major overhaul. Nothing was done.

It is the better part of wisdom that when you cannot change something from the bottom up—something that desperately needs change—the least you can do is to seek some improvements at the margins. This has happened at least in one instance: When the President decided in mid-1970 to permit a very modest amount of home heating oil to be imported into the eastern seaboard States by independent deepwater terminal operators to relieve the acute shortage of supply and to moderate prices. This program was continued for 1971 although at the same time, an older program which had permitted importation of home heating oil and other oil products into the United States was discontinued. The net effect was that for 1971, the amount of extra home heating oil to be permitted to be imported was very small indeed.

For reasons of presumed national security, as well as to accommodate the Government of Venezuela—and more the latter than the former—this modest program permitted imports of 40,000 barrels per day and required that the imports had to be purchased in the Western Hemisphere. It so happens that two major oil refiners, Esso and Shell, in effect control the market in the Caribbean, which is where Western Hemisphere sources of home heating oil are to be found. This program took effect on July 1, 1970. In August, these two refiners raised their price from 6½ cents to 8½ cents per gallon. In late November, they subsequently moved up their price to 9½ cents per gallon. And both of these companies have recently advised its customers that they will not be able to supply any home heating oil from the Caribbean for the coming season.

Consider for a moment what has happened. The President of the United States, in responding to a serious need on the part of consumers on the east coast and principally in the Northeast, ordered a minor and marginal modification of the oil import program. The purpose was to increase supply and to provide cheaper products to the American consumer. But what has in fact happened? As a result of the actions of two major oil companies, over a period of 6 months, the price of the imported product was raised nearly 50 percent to the point where the imported product is no less expensive than the domestic product. Second, these companies have announced to their independent customers that they will not be able to supply them with its product from the Caribbean area.

This is an unconscionable development. The increase in prices of nearly 50 percent is outrageous and can in no way be explained by any cost factors. The cutting off of supply may conceivably be a good business decision for the company concerned. I simply do not know. But its adverse consequences for the American consumer are self-evident.

In short, two major oil companies have been able, by their action, to frustrate the purposes of this modest program which the President announced last June. Has the national security of the United States been enhanced by these actions? The question suggests its own answer. The only security which has been improved has been the economic security of the companies concerned.

There is a simple and obvious way to resolve this problem. First, permit the independent marketers to procure their home heating oil wherever they can find it in the world. In actual practice, this would be from refiners in Western Europe. By being able to procure in Western Europe, they will be able to buy at reasonable prices for the simple reason that there is competition in the Western European market while there is no competition in the American home market and its satellite Caribbean market. The national security of the United States would not be adversely affected by this nor would the Venezuelan Government be disadvantaged by this. The Venezuelans can sell all the oil they wish in the United States. Beyond that, what the Venezuelans have recently done in terms of taxes and prices on oil should not make us beholden to them.

Second, the amount of permissible imports under the program should be expanded from 40,000 barrels a day to a minimum of 100,000 barrels a day. This would still represent only a very small portion of total consumer requirements.

Third, the home heating oil import program should be made a regular and as continuing a part of the overall oil import program as is the crude oil import program. There is no sense in permitting the importation of cheaper offshore crude oil for the benefit of the major American oil companies if we do not, at the same time, permit the importation of some home heating oil for the benefit of the American consumer.

Mr. Speaker, we cannot wait until next winter to begin to meet these problems. The time for action is now; policy decisions and changes in the No. 2 fuel oil program must be made by the end of June if marketers and consumers of fuel oil are to plan effectively for the winter of 1971–72, and if the people of the Northeast are to be assured of an adequate supply of No. 2 fuel oil at reasonable prices.

## SUPPORT FOR THE SOVIET JEWS RELIEF ACT OF 1971

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am pleased to report to this House that on April 27 of this year the city council of the city of New York unanimously passed a resolution in support of the Soviet Jews Relief Act of 1971, H.R. 5606, as amended. The resolution was introduced by city council minority leader Eldon Clingan; it follows:

RESOLUTION

(Resolution calling upon the Congress of the United States to enact a bill to provide for the issuance of special visas to Jews of the Soviet Union to allow their immigration to this country)

Whereas, This nation has always been a haven for the oppressed of other lands; and

Whereas, The City of New York has been the home of millions of immigrants, who have contributed immensely to its greatness and developed its unique character; and

Whereas, The Soviet Union has systematically persecuted its Jewish population; and

Whereas, Large numbers of Jews in the Soviet Union at great risks to themselves have demonstrated a desire to emigrate; and

Whereas, The current refugee quota for the Eastern Hemisphere would bar thousands of Soviet Jews from our shores if they were allowed to emigrate even on a modest scale; and

Whereas, The United States Congress has previously passed legislation to enable the refugees of Hungary, Czechoslovakia, and Cuba to emigrate to this country; and

Whereas, Congressman Edward I. Koch has introduced the Soviet Jews Relief Act of 1971, which authorizes 30,000 special visas outside the regular immigration quota system for Soviet Jews who are permitted to leave the Soviet Union and wish to come to this country; now, therefore, be it

Resolved, That the Council of The City of New York calls upon the United States Congress to pass the Soviet Jews Relief Act of 1971; and be it further

Resolved, That the clerk of the Council send a copy of this resolution to every member of the House of Representatives, every member of the United States Senate and the President and Vice President of the United States.

## REMEDIAL IMMIGRATION LEGISLATION

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, I have today introduced immigration legislation which has a dual thrust at eliminating troublesome problem areas in the administration of the Immigration and Nationality Act. This bill, which was cosponsored by the Honorable WILLIAM F. RYAN, Honorable JOSHUA EILBERG, Honorable WALTER FLOWERS, and Honorable JOHN F. SEIBERLING, is a combination bill embodying provisions of other bills pending before the Subcommittee on Immigration and Nationality. Furthermore, it is a compromise bill adapting the floor on immigration proposal to meet a temporary problem which this legislation should correct within 4 years—the life of the legislation. The companion thrust is directed at the elimination of the backlog in the fifth preference—brothers and sisters of U.S. citizens—which was not eliminated by 1968, as intended.

Not until 1964, after four decades of subjection to the principle that some immigrants were more acceptable than others, was there sufficient and coordinated effort and leadership to pave the way for repeal of the national origins system. The impetus in this direction was supplied by the late President Kennedy when he sent an Executive communication to the Congress in 1963.

The bill introduced as a result of the Executive communication, was a product of great study and sought to prevent problems before they became evident. To insure an orderly transition from the national origins system to a system based upon first-come, first-served, within preferences, a 5-year phaseout period was proposed which the departmental experts and statisticians concluded would relieve the backlogs that had developed in some preference categories for some countries. Furthermore, this bill called for a reserve of visas made available to the President to be allocated to those countries which had enjoyed large quotas under the old system and who would be disadvantaged by the change since they could not compete equitably on a first-come, first-served basis, simply because there was never a need to establish priority dates and a place in line for a visa.

Unfortunately, by the time the bill was enacted, the 5-year phaseout period was reduced to a 3-year phaseout. The reserve of visas was deleted completely and a new feature—the labor certification requirement—became an integral part of the act.

Cautioned and warned of the problems that could arise, the Congress, in its haste to attain the target of repeal of the national origins system, cast probable problems aside.

Today, we reap the result of casting aside those safeguards that were originally proposed in the Executive communication. We find that the fifth preference, particularly with regard to Italy, is oversubscribed and has been oversubscribed and the backlog was not eliminated as the drafters of the legislation anticipated.

We find that immigration from Western Europe, particularly Germany, Great Britain, and Ireland, dissipated to a mere trickle. These results certainly were not intended. Until these results are corrected, the great step forward in all immigration policy is harnessed to a dead weight of discouragement, frustration, and dismay.

The bill I introduced today is designed to correct the deficiencies resulting from the haste in approving the act of October 3, 1965. Before the Congress can build on this act and approve a worldwide immigration system with workable preferences, or any other legislation affecting immigration, we must backstep and put our immigration law in good order.

We have waited for 5 years to determine if the shortcomings of the law would correct themselves, but it is obvious now that these shortcomings will only manifest themselves in greater hardship and unfairness. The only corrective method is by legislation, legislation which I hoped would not be necessary but which experience has dictated has become very necessary.

The bill I introduced today establishes a floor on immigration for each country by making special immigrant visas available equal to 75 percent of the 1955–65 average less visas issued under the permanent provisions of the Immigration and Nationality Act, as amended. No more than 7,500 special visas can be used by any country in each fiscal year.

The bill is temporary in nature designed for a temporary problem and will automatically terminate after 4 years. After carefully reviewing the abundant material and statistics on the problems the Irish and other Northern European aliens have experienced competing for immigrant visas, it was concluded that this 4-year period would grant sufficient time for people from those countries to establish priority dates and thus eliminate the unintended inequities. That feature of the bill and the floor provision have been widely and thoroughly discussed, not only in the Congress but by various interested organizations. I think that those of us on the Subcommittee on Immigration and Nationality stipulate the fact that immigration from Northern Europe has been drastically curtailed. We also stipulate that this result is directly attributable to the shortcomings in the changeover from the national origins system to the firstcome, first-served system. I believe that this temporary legislation will correct the deficiencies that caused the fall of immigration from those countries which have traditionally sent immigrants to the United States.

The second thrust of the bill is directed at the backlog in the fifth preference—brothers and sisters of U.S. citizens—that emerged after the landmark 1965 amendments became effective on July 1, 1968. It had been expected that the 3-year phaseout period, 1965–68, would eliminate any problems from the 1965 act that repealed the repugnant national origins quota system. However, the fifth preference category, particularly in the case of intending Italian immigrants, was heavily oversubscribed. Without remedial legislation it will be many years before the brothers and sisters who come under the present fifth preference can be united with their U.S. citizen families.

This bill would authorize issuance of special immigrant visas to all qualified brothers and sisters of U.S. citizens who have petitions filed prior to July 1, 1968.

I believe that it is patently important that we solve the major outstanding inequities stemming from the 1965 amendments before we can attempt to solve any other problems in the immigration field.

## FAMILY OF NORTHWEST FLORIDA RESIDENT FIGURED PROMINENTLY IN FLAG DAY RECOGNITION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, June 14 is a very special day.

It is the day when, traditionally, all Americans observe Flag Day. Noble as this tradition is however, it should be more than that. It should be a national holiday and for that reason I have joined as a cointroducer of a bill officially designating June 14 as Flag Day. It is disappointing to me that Congress has moved so slowly to take action on this bill.

Flag Day first was observed on June 14, 1885, in a tiny schoolroom in Fredonia, Wis., by a young schoolteacher named Bernard J. Cigrand. He was 19 years of age and a fierce patriot. He sat a small flag on his wooden desk and told his handful of pupils the story of the flag of the United States.

He chose that particular day because it marked the 1777 anniversary of the Continental Congress' official approval of the flag's design.

Bernard J. Cigrand has a special place in the hearts of the people of Florida, for a fine woman who knew him well and who married into his family still lives in Chipley, Fla., which I am proud to represent in the Congress.

Mrs. Grace Cigrand Lundquist, now 80 years of age, first met the Cigrand family more than 60 years ago when she married Bernard H. Cigrand, son of the schoolteacher who first marked Flag Day in the United States.

Following the death of her husband, and subsequent marriage to Eban Lundquist, this wonderful lady moved to Chipley in 1954 where, now a widow, she continues to live an active life dedicated to her friends, her church and her Nation.

To Grace Cigrand Lundquist, Flag Day is something especially dear. She recalls the fervor with which her father-in-law told of his long struggle for official recognition of one day in the year to honor our Nation's banner, and she tells of the joy the elder Cigrand experienced when, in 1916, President Woodrow Wilson proclaimed the first official nationwide observance of Flag Day and presented a flag to Mr. Cigrand.

That same flag—personally presented to Bernard Cigrand by President Wilson—is in the possession of Mrs. Dorothy Trayer of Bristol, Va., daughter of my constituent, Mrs. Grace Cigrand Lundquist.

In this day when many seek to destroy our flag and, indeed, the Nation for which it stands, it is especially significant that we recall the selfless struggle by a single dedicated man—Bernard J. Cigrand—to have the flag he loved so dearly officially recognized on a special day.

I believe it would be fitting for this Congress to now move to complete the work begun by this dedicated man almost 86 years ago, and to now grant congressional designation of June 14 as Flag Day.

It would mean much to those such as Mrs. Lundquist and Mrs. Trayer, who can boast proud connection with this patriot, and it would mean much more to the people of the United States in these troubled times.

We are not talking about just any day. Nor are we talking about an observance we will one day abandon.

We are talking about the flag of the United States of America and of the day it became the official banner of our Nation. It has been our banner for 194 years and this Congress should designate a special day on which to honor it.

It would be particularly appropriate to so designate June 14 in this year when we have witnessed the disgusting display of the flag of our enemy waved by dissident malcontents from the steps of our Capitol. Further, it would be appropriate for Congress to act now, even as the last remaining scars of the Capitol bomb blast are being covered by workmen.

Only one State—Pennsylvania—officially notes June 14 as Flag Day, although the President traditionally declares the event for the Nation as a whole.

Let this Congress move now to honor our flag by designating June 14 as Flag Day. It is a special day in the history of our country and it is deserving of this special recognition.

## CHILDHOOD LEAD POISONING—THE ADMINISTRATION REQUESTS A LUDICROUS $2 MILLION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, 47 Members joined me in sending a letter to Secretary of Health, Education, and Welfare, Richardson on April 23 urging him to request full funding for the Lead-Based Paint Poisoning Prevention Act for fiscal year 1971 and fiscal year 1972. Today, we received an answer to our letter.

This answer is an affront to the hundreds of thousands of children across the Nation afflicted with lead poisoning.

The Secretary states in his letter of May 28—

> Since the current fiscal year is nearly over, we will not request a 1971 supplemental.

His sense of timing is very precise. It is true that fiscal year 1971, for which $10 million was authorized, is nearly over. Had the Secretary chosen, however, to act when our letter was sent, the problem he raises would be nonexistent.

Suffice it to say that the administration requested no funds for fiscal year 1971. Enough of niceties of efficiency. Pure and simple, the fact is that the administration wanted no funds, and its silence on the matter has been heard loud and clear.

The Secretary also tells us that the President will "shortly transmit an amendment to the 1972 budget requesting $2 million." This strains credulity. The fact is that a full $30 million is authorized for fiscal year 1972. The fact is that Secretary Richardson's Department already has preliminary requests from 31 State and local governmental units concerning funding under the Lead-Based Paint Poisoning Prevention Act. The fact is that lead poisoning claims 200 lives a year; it sentences 800 children a year to permanent institutionalization; it produces moderate to severe brain damage in 3,200 children a year.

The fact is that a meager $2 million is an affront to these thousands of victims of the administration's indifference, and to the thousands more who will fall victim.

But we are assured, in Secretary Richardson's letter, that the amount the administration contemplates spending—$2 million plus an additional $200,000 which it is spending under other legislative authority—"signifies the administration's clear intent to mount a concerted effort to eliminate the threat of lead-based paint.

As to this statement I have no comment. I leave that to the imagination.

## AMERICAN VOCATIONAL ASSOCIATION OPPOSES ESCH'S MANPOWER REVENUE-SHARING PROPOSAL

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, The American Vocational Association composed of more than 50,000 members across the country has written a perceptive analysis of their opposition to the recent manpower revenue-sharing proposal and their support of H.R. 3613, the Emergency Employment Act. Their position is impressive considering that the AVA has been a leading voice in the Nation since 1925 for vocational and industrial arts educators, supervisors, administrators, and students.

I ask my colleagues to carefully examine AVA's views today when this matter comes to the floor because they have an avowed purpose to "foster vocational and industrial arts education as reflected in Federal legislation."

The material follows:

THE SITUATION IN REGARD TO THE MANPOWER LEGISLATION AND AVA'S OPPOSITION TO THE PROPOSED MANPOWER REVENUE SHARING BILL

It is unfortunate that the Administration's Manpower Revenue Sharing proposal (Esch Substitute) has been reduced to a bitter political issue in the U.S. House of Representatives which places the American Vocational Association between its long standing friends and supporters of both political parties. However, notwithstanding the threats of retribution made, in today's telegram to all State Directors of Vocational Education, by the Republican leaders of the House Education and Labor Committee, the AVA must and shall continue to fight for the same educational principles it fought for last year when the shoe was on the other foot and we stood with the Administration and the minority against the Democratic Senate Bill.

After discussions here this morning with Assistant Secretary of Labor (Manpower) Malcolm R. Lovell, I am persuaded that the Department of Labor may well be more flexible in its approach than the Esch Substitute bill would indicate on its face. While I doubt the revenue sharing approach can be made compatible with those assurances of educational quality in manpower programs which we still demand, and which the Administration supported last year, we will never know for sure in the absence of the full hearings and discussion which have been sadly lacking in the development of the current legislative proposal.

Contrary to the assumption made in the telegram, we do not base our objections on the theory that "vocational educators would have less influence with the governors (and

mayors) than with the U.S. Department of Labor," although such probably is the case with respect to the unregulated conduct of manpower programs. As you will see in my explanation which follows, we believe in the necessity of a balanced, Labor-HEW enforced, system of legislative requirements to the end that the educational quality and values inherent in manpower training programs will be protected.

If our Republican friends of long standing in the House of Representatives decide to make good on their threat to punish adult and school-age vocational education students, by withholding their traditional support of the vocational education program and its appropriations unless we withdraw our professional objections to their proposed Manpower Bill, I will be truly distressed. But they will have to answer (not to the American Vocational Association, but to the nine million vocational education students, youth and adults, and their families, who need and depend on their support.

What follows is an explanation of the principal considerations that have led the American Vocational Association to oppose H.R. 8141, the Manpower Revenue Sharing Act of 1971, as presently drafted, which will soon be offered on the floor of the U.S. House of Representatives as the "Esch Substitute" for the Public Service Employment Bill (H.R. 3613). It should be noted that the Public Service Employment Bill, which has been favorably considered by the House Education and Labor Committee, after extensive hearings, and by the House Rules Committee, would in no way alter, modify, compromise or otherwise affect the current Federal manpower program, while the substitute bill at issue, without benefit of any hearings or committee review, seeks to repeal the manpower program and substitute for it the Administration's revenue sharing concept.

The position of the American Vocational Association with respect to legislation in the manpower field has consistently been one of strengthening the role of vocational education in manpower development to the end of assuring quality in its education component and to prevent the development of a dual system of education in which the rich would attend academic schools while the poor would receive second class "training" outside the school setting. The programs operated under the provisions of the Manpower Act are basically education and training. This has been the historic mission of vocational education as an educational process, and as a tool for economic growth and development.

The American Vocational Association supports manpower legislation for the reasons stated in the policy resolution adopted by the AVA House of Delegates in 1969:

MANPOWER LEGISLATION

Whereas, the first annual report of the National Advisory Council on Vocational Education has highlighted the failure of our schools to educate to the level of adequate employability nearly 25 percent of the young men and women who turn 18 each year as a waste of money as well as human resources; and

Whereas, the violence, unrest, and alienation of thousands of Americans are in part, a result of unemployment and unequal opportunity; and

Whereas, the Manpower Development and Training Act of 1962 has provided both jobs and basic education and training for more than one million persons, many of whom came from the ranks of the hard core unemployed; and

Whereas, the Vocational Education Amendments of 1968 are directed toward meeting the social and economic needs of all people of all ages of all communities;

Therefore, be it resolved, that the American Vocational Association through its members, give support to legislation to extend and improve manpower programs in order that education and training may be made available for the population that has not been served by the traditional system of education; and

Be it further resolved, that the American Vocational Association, through its members, work for legislation that will strengthen and improve the educational components of manpower development including guidance, thereby making vocational education an integral part of the nation's manpower policy; and

Be it further resolved, that the American Vocational Association, through its members, supports legislation to implement a total program of vocational education and guidance to the end that the schools as established institutions of our society, provide for the career development needs of all persons.

The AVA opposes H.R. 8141 (Esch Substitute) for these reasons:

1. H.R. 8141 repeals the existing manpower legislation. At the present time, that legislation provides funds for State educational agencies to implement manpower training programs; it provides for in-service training of teaching personnel; it funds skill centers and other institutional training programs conducted by vocational education personnel. The Esch Substitute gives no assurance that these would be continued under Manpower Revenue Sharing.

2. H.R. 8141 totally lacks the assurance of educational quality which was contained in last year's Steiger Bill, H.R. 19519, the Comprehensive Manpower Act which the House of Representatives passed overwhelmingly (275–80) with the full support of the AVA, the Nixon Administration, and the Majority and Minority leadership of the House Education and Labor Committee.

Keeping in mind that last year's Comprehensive Manpower Bill not only set forth standards for the use of funds, but involved the mechanism of prime sponsor contracts which required the *approval* of both the Secretary of Labor and the Secretary of Health, Education, and Welfare, we commended the architects of that bill for including the following *additional* provisions to safeguard educational quality in the process of manpower training:

(a) Vocational educators shall serve on the Manpower Services Councils (Sec. 104 (b)).

(b) Prime sponsors must use to the extent appropriate the services and facilities of vocational and technical schools and area skill-centers in carrying out the institutional training and educational components of a comprehensive manpower plan (Sec. 105(b) (6)).

(c) Through the State comprehensive manpower plan the State must take additional steps to assure the participation of State-supported vocational education agencies in prime sponsors' programs in order to avoid unnecessary duplication of facilities and activities (Sec. 107(b) (1–2)).

(d) Beyond regular program funds special incentive grants (up to $75 million in FY 72) will be made to State and local prime sponsors who develop exemplary linkages between manpower programs and vocational education. (Sec. 504(d)).

(e) HEW and Labor must concur in *any* rules, regulations, standards of performance, and guidelines which would affect the role and function of vocational education agencies (Sec. 108).

(f) *Any* components of comprehensive manpower program applications which deal with vocational education and institutional training must be approved jointly by HEW and Labor (Sec. 108).

(g) Within six months of the CMA's effective date, HEW and Labor must report to Congress on the utilization of area vocational and technical schools under CMA and the steps taken to increase their utilization and effectiveness (Sec. 525(a)).

(h) At the same time, the U.S. Office of Education must report to Congress on the extent to which vocational education activities and goals are being incorporated into general elementary and secondary education programs (Sec. 525(b)).

In addition to the above statutory safeguards, further assurances of legislative and executive intent were provided by proponents on the floor of the House and by letters of assurance by Secretary Richardson and by Assistant Secretary Lovell:

Mr. Quie said: "As a supporter of vocational education, I view these (above) provisions as a major step forward."

As part of his two page letter to me endorsing the need for each of the above safeguards, Mr. Lovell said: "I want to assure you and your membership that the Department of Labor is committed to the fullest utilization of the educational system under this (last year's) bill, *which has the full support of the Administration* . . . I share the aversion to the possibility that a 'dual school system' might emerge . . . The Department of Labor has taken careful steps to assure that the Nation's vocational educators are integral partners in *planning* and *implementing* a comprehensive manpower system."

Secretary Richardson wrote to me in part: "The Department of Health, Education, and Welfare strongly supports the proposed Comprehensive Manpower Act (H.R. 19519). I believe that this legislation would assist the Department to make vocational education more effective in meeting the manpower needs of our nation, by making vocational educators partners in the planning and implementing of a comprehensive manpower system.

"This bill gives me the responsibility and the *opportunity* to review and clear all Federal rules, regulations, and standards of performance which would affect educational programs and other programs under the tradtional purview of the DHEW."

Last year's bill represented a distillation of the best thinking of the Congress, the Administration, and the public interest groups, after thorough hearings, deliberations and negotiations. From our point of view it combined the Administration's interest in State and local administration (also the justification for revenue sharing) with our concern that effective standards of quality be mandated, supervised and *enforced*. We supported these principles and guarantees of quality. They are today totally absent from the Administration's "Esch substitute."

It has been suggested by some that our position is merely one of political partisanship. In light of the above, that claim must appear a foolish one. Our complete rebuttal to the charge of political partisanship is that in consistently supporting the identical manpower policy last year and now, with respect to the educational components thereof, we opposed the Democrats' alternative last year and the Republicans' substitute this year.

While we have never taken a rigid stand for or against any "delivery system" proposal in manpower legislation, we have consistently advocated the principle that whatever training is offered must be educationally sound and the courses of instruction offered must be truly calculated to train the enrollee for the job sought. While we believe in institutional training, we have never insisted that all manpower programs should be such.

We do insist, however, that the efficacy of the educational or training component of manpower programs is a question of professional judgment which a trainee is entitled to have made by a qualified professional.

Our legislative mandate, from the AVA House of Delegates, concerning manpower is to work for legislation which will assure that the State Board of Vocational Education is the agency which shall pass on the educational validity of the manpower training programs, and which will assure that HEW, through its Vocational Division, shall have and be required to exercise the power of concurrence of the manpower program.

The proponents of the Manpower Revenue Sharing substitute have claimed that "vocational education is protected" in their bill. But of all the assurance we deemed essential, and which were incorporated in the last year's bill, only two are contained in the Esch substitute:

(a) With respect to State and local programs (85% of the funds), there is a provision that the "units of government shall make maximum feasible use of existing educational institutions having a training capability, such as (but not limited to) area vocational schools, technical institutes, and junior and community colleges." However, none of the other essential elements, including submission of plans for approval, and incentives to cooperate, etc. are included. In fact, the principal means of Federal enforcement is by civil lawsuits brought by the U.S. Department of Justice. In essence we see a Federal program, run by governors and mayors, which requires them to submit their plans to Washington, but which completely relinquishes the Federal Government's power and responsibility to *approve* the plans and thereby protect and enforce the will of Congress. Without the authority to disapprove, the review power is an empty protection of the public interest.

(b) Sec. 406 provides for the concurrence of the Secretary of HEW, but *only* with respect to the Federally administered, vocational programs (15% of the funds).

In conclusion, the proposed "Esch Substitute" Manpower Revenue Sharing Bill, H.R. 8141, is substantially devoid of the statutory assurances that, in our professional judgment, are essential to the conduct of Federal manpower programs. The bill is totally lacking in the assurances which the U.S. House of Representatives insisted upon last year. One has only to read the floor debate of last year to recall the extent of concern which Members of the House had for these principles. For all of these reasons, the American Vocational Association opposes the Manpower Revenue Sharing Bill.

ACTION!

In light of the foregoing, it is *essential* that you write or wire every Member of your Congressional Delegation in Washington *today* expressing your opposition to the Esch Substitute, Manpower Revenue Sharing Bill—AND encourage others to do likewise.

Sincerely yours,

LOWELL A. BURKETT,
*Executive Director.*

## ANOTHER LABOR DEPARTMENT FAILURE

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, today I wish to commend the administration for the concern they have expressed for the plight of some Americans who are without a livelihood. The Labor Department announced recently that a new program is operating to find jobs for scientists, engineers, and technicians laid off largely by the aerospace and defense manufacturers. I am heartened to see that the administration is attempting to alleviate the hardships faced by the millions of citizens who are idle, but am gravely disappointed in the methods it is using.

A recent article in the New York Times notes that since the inception of the program on May 3, 10,284 unemployed professionals had applied while only 300 jobs were offered. The national unemployment rate is 6.1 percent. It is obvious that at all levels there are not sufficient jobs in the private sector to employ the more than 5 million citizens who are without work, let alone the millions more who desire work but have given up looking and the 1.6 million who are about to enter the labor force.

While there is an unprecedented need for jobs, there is a critical need for public services as State and local governments faced with dwindling tax bases are hard pressed to maintain present community services.

Mr. Speaker, we are training and educating people for jobs that do not exist. Trainees of manpower programs, returning veterans, retrained engineers, and recent graduates are disillusioned and frustrated. They cannot find work. That is why on Tuesday, May 18, I led the floor fight in support of my bill, H.R. 3613, to provide emergency public service jobs in times of high unemployment.

During that debate Members on the other side of the aisle sought to discredit the approach of the Emergency Employment Act. I wish to point out that the opposition called this measure too expensive. Yet, the administration's new program provides grants up to $500 per person to explore specific jobs, up to $2,700 for retraining, and up to $11,200 for relocation expenses. That is a high expenditure when no jobs are guaranteed at the end of search. My bill would create 150,000 jobs both for professionals and the unskilled.

H.R. 3613 has been called too categorical. But, the administration has just proposed a program to aid scientists and technicians who live in an area of a minimum of 1,000 similarly unemployed and who have worked in defense or aerospace jobs in 12 of the last 24 months. Thus, the Labor Department has administratively created categorical aid while at the same time condemning congressional efforts to create public service jobs as "just another categorical solution."

Under the Emergency Employment Act, persons will be able to find work within their own communities without having to uproot their families and relocate perhaps thousands of miles away. H.R. 3613 is scheduled for consideration on Tuesday, June 1, and Wednesday, June 2.

The text of the article follows:

SCIENTISTS SIGN FOR U.S. JOB AID

(By Philip Shabecoff)

WASHINGTON, May 24.—The Labor Department reported today that a Government program to find jobs for scientists, engineers and technicians laid off by the aerospace and defense industries was now in full operation.

So far, however, the number of applicants is far outstripping the number of jobs registered with the program.

Paul J. Fasser, administrator of the department's Manpower Administration, reported at a news conference that 10,284 unemployed aerospace and defense industry professionals had registered with state employment agencies since the program officially began May 3.

During that time, he added about 300 jobs came into the national registry. He said, however, that this did not include the aerospace and defense jobs already listed with the national Job Bank. That number has not been tallied, he said.

The programs being conducted in 14 "target areas" hit hard bylayoffs in the two industries. Nassau and Suffolk Counties on Long Island make up one of the target areas.

Mr. Fasser said that the Government's Technology Mobilization and Re-employment Program would serve a "universe" of about 100,000 scientists, engineers and technicians. He said he hoped that the program would be able to help find jobs for about 30,000 of these people over the next two years.

The program offers the following aids to eligible professionals in the target areas:

Job-search grants of up to $500 for those who need to explore specific job opportunities outside their home areas.

Relocation grants of up to $11,200 for those who need them to accept job offers outside their home area.

Grants of up to $2,700 for job retraining by academic courses or on-the-job training or a combination of methods.

A job promotional efforts and studies to find out how people with technical abilities can use their skills in other areas.

The program is being conducted through state employment offices in the target areas. On Long Island, the state employment office handling the program is in Hicksville.

Mr. Fasser said today that eligible professionals would be told by their state offices what jobs are currently available would be placed on a national registry of available aerospace and defense personnel, and would even be assisted with their claims for unemployment insurance.

The target areas are those with a minimum of 1,000 unemployed scientists, engineers and technicians or areas with 500 unemployed and an overall unemployment rate of 6 percent or higher.

In addition to Long Island, the target areas are Huntsville, Ala.; Los Angeles-Long Beach, Orange County, San Diego and San Jose, Calif.; Atlanta; Wichita, Kan.; Boston; St. Louis and nearby areas of Illinois; Philadelphia-Camden, N.J.; Dallas and Fort Worth and Seattle.

So far, the largest numbers of applicants for the new program—3,327—are from the Seattle area. There have been 355 applications on Long Island.

The eligibility requirements for the program include the proof of having worked in defense or aerospace jobs in 12 of the last 24 months, or having been "substantially attached" to these industries, having been laid off as a result of contract terminations or reductions, having worked or lived in the target area and having canvassed employment opportunities in his home area.

## BARBARIANS AT THE GATES

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, an article appears in the current issue of National Review which is too precious to

waste to the transitory nature of a weekly magazine. It must be preserved in the archives of this Nation's history and I would like to insert it in today's CONGRESSIONAL RECORD to be sure that it is available for thoughtful historians in some future time, if indeed there is a future time for this Nation. It is titled, "Barbarians at the Gates" and is written by James Burnham, as follows:

BARBARIANS AT THE GATES

(By James Burnham)

THE PROTRACTED CONFLICT

Many good, respectable people have taken part in this spring's antiwar campaign. They have contributed money, lent their names to appeals and committees, opened their churches and homes to the Kids, marched on April 24, spoken at rallies.

These good, respectable people, and especially the political figures conspicuous among them, have been anxious, as usual, to distingush their own "responsible" expression of dissent from the "excesses" of "a small handful." However, granted that their motives were uniformly angelic, this in no way alters the objective consequences of their actions. They entered into a united front with the pro-Moscow Communist Party, the Trotskyist party, and assorted Maoists, Guevarists, anarchists and freaks; they marched beside them and spoke from the same platforms, they condoned and excused their behavior; they gave the revolutionists aid, comfort and cover.

In this operation, the revolutionists were the leaders; the good, respectable people, the led. Is this not plain in the triumphant voice of Madame Binh issuing her orders from Paris? What took place in Washington was a revolutionary field training exercise, designed to test the cadres' ability to assemble a large number of people representing a broad political and social spectrum, to guide these people along predetermind political lines, and to use them as a shield for revolutionary maneuvers.

NON-PROLETARIAN CULTURAL REVOLUTION

The revolutionary cadres in this country are still tiny, and it may seem absurd to discuss them seriously in strategic terms. But among them are able and energetic persons. Our revolutionary movement has gone through a Great Non-Proletarian Cultural Revolution in the past eight years, from which it is now emerging rejuvenated. This most recent "Spring Offensive" was the first large-scale operation in which there was, from the planning stage on, effective cooperation among the pro-Moscow Communists, the Trotskyists (who have made big strides lately), the Maoists and Ur-Maoists, and the irregulars, freaks and wild men. The disorderly influx of student youth eight years ago, which at first knocked the old-line Communists off their feet, is becoming disciplined and experienced. If it is not yet fused with the old organizations, it is uniting with them in common fronts against the enemy.

The term "antiwar" needs scrutiny. "Antiwar" is not "pacifist." "Antiwar" often means, as now, to be against *this* war—more specifically, against the American side in the Vietnam war. This is what all the revolutionists and some of the others mean. They are not in the least pacifist as should be obvious from their deliberately provocative, aggressive appearance, rhetoric, manner and conduct. They are warriors, but fighting in another war.

The new recruits in our revolutionary movement have perfected several tactics of profound revolutionary significance. One of the most striking is the use of obscenities, blasphemies and guerrilla theater to break down the "sacred" aura—the *mani*—and the taboos that express and support the authority of the magistrates, institutions and procedures without which a social structure cannot hold together. To call policemen "——— pigs" amazes and disgusts at first hearing. But constantly reiterated—in accordance with the precepts of *Mein Kampf*—it gradually alters the social image of the police. It promotes and reinforces, not only in the users of the phrase but in many who hear it, disrespect and scorn for the police, and a willingness to confront and combat them. I can call a cop a "——— pig" and nothing happens to me! I don't jet jailed or beaten or even criticized; the respectable people keep marching beside me. So I can go right ahead with the next steps—throwing rocks at the police, bombing police stations, knifing and shooting policement. Why not? Isn't that the proper way to deal with "——— pigs?"

So also with professors, congressmen, cabinet members, generals, Presidents. Anything goes with MacBird, doesn't it? And since the President, any President, is a lying fascist murderer, the only fit punishment for him is execution.

A similar tactic is used against procedures. The disruption of speakers and meetings, blocking of entrances, hallways, bridges and highways, occupation and trashing of offices, are obscenities in action. They desecrate and dissolve the processes of communication, transport and administration that are essential to the social structure. Gradually, with repeated performance, these shrewdly subversive actions come to be accepted by public opinion as "a normal part of the democratic process."

FANTASTIC AND GROTESQUE

It is fantastic that a great nation should permit the assault that has been mounted this spring on the seat of government—on the courts, the ministries of justice, security and defense, on the legislature itself. It is not simply fantastic but grotesque that revolutionists could have operated from and in the headquarters of a major department of government—Health, Education and Welfare.

But what is most fantastic of all is that we have come to accept these aggressions against civilized order. When the police finally threw the Mayday gang out of West Potomac Park, the university campuses, churches, and (so the newspapers reported) "many private homes" made them welcome. And some people think it's Abbie Hoffman who is crazy!

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## HORROR AND SHOCK OF AMERICAN PEOPLE OVER EXPOSURE OF INHUMANE AND BRUTAL MASSACRE OF BABY SEALS

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, the horror and shock of the American people over the exposure of the inhumane and brutal massacre of baby seals, their begging eyes waiting for the cruel club of the harvester; ice floes bloody and covered with seals gaffed, kicked, clubbed, and shot, nursing babies skinned alive before their mother's eyes, has finally brought to the country's attention the total lack of protection for all sea mammals. Our country has long been conservation minded—we have, over the years, realized the need to protect the species of animals indigenous to our country, the symbol of the magnitude, beauty and wealth of our Nation. The same concern and protection should be given to the animals that live in the sea.

The story of the seal harvest on the Pribilof Islands and Canada's Gulf of St. Lawrence is a shocking one indeed. In the past, American, Canadian, and Japanese sealers have shot and speared fur seals from ships. They could not tell the sex or age of the animals, many of which were lost through wounding or sinking. When a nursing mother was killed it often meant slow starvation for her pup. This open sea killing was halted by international agreement in 1911. In exchange for the ban on pelagic sealing, the United States and the Soviet Union provide Japan and Canada each with 15 percent of the harvest from the Pribilofs and 15 percent of the harvest from those islands under the jurisdiction of the Soviet Union.

The Aleut Natives on the Pribilof Islands, as they have done for generations, drive the seals to shore from the coastal water, then killing them with clubs and knives. The skins are then sold, by the U.S. Department of Commerce, to the Fouke Co., which holds an exclusive contract with the Government for processing the skins.

I believe that this slaughtering is not in the interest of our country or any other country and I say it should stop.

There are other sea mammals which are being slaughtered to the point where some species are in danger of becoming extinct.

For instance, no more than 10,000 polar bears are left in the world according to a recent international conference held in Morges, Switzerland. Polar bears once lived in comparative safety, on their floating ice homes in the open arctic seas. But open-sea hunting, with its planes, fast motor boats and high-powered rifles have taken their toll of polar bears.

Whales too have long suffered from man's savagery. For more than 1,000 years they have been pursued for their valuable oil and whalebone. As whalers exhausted one species, they turned to another, finally extending their operations to all parts of the world. One by one, valuable kinds of whales were decimated. During the intense whaling in the last half of the 19th century, four important kinds of whales found in our waters were nearly destroyed.

The Atlantic right whale once ranged southward along our Atlantic coast as far as South Carolina where it probably wintered. Until depleted, it was for many years the mainstay of the New England whalers. Whaling in the early part of the 19th century depleted the gray whale almost to extinction. The gray whale was hunted intensely over most of its range, which includes the California coast, by Eskimos in Alaska, Indians along the Northwest coast, and whalers on our Pacific coast. Hunters even entered its nursery lagoons to take the cows and young calves.

In the last 60 years, whaling fleets

have taken more than 325,000 blue whales. Experts estimate there were 100,000 blue whales left in 1940. Today there are fewer than 3,000, perhaps as few as 500 in the home waters of the Antarctic. International Wildlife magazine says that—

Though most of the nations prominent in whaling early in the century have backed away from the enterprise, a few continue to whale extensively. And proposals of protection for the blue whale have failed against the objections of those nations which desire to continue to reap the whale.

Scott McVay in Scientific American said:

Each of the past eras of whaling has virtually eradicated it own most highly prized whale species. The bowhead whale and the right whales are monuments to man's thoughtlessness in the days of sail. The blue whale and humpback—and possibly the finback and sei as well—are monuments to an industry's lack of foresight in the days of steam. The whaling nations today face a third and almost certainly a final decision. If essentially unrestricted whaling continues, the only surviving stock of any economic importance—the sperm whale, of whose numbers more than 250,000 have been killed in the past 12 years—is doomed to become a monument to international folly.

The sea otter was once the world's most valuable fur animal. The sea otter performed a service to man and to nature by keeping in balance the natural order of his domain in the sea. He has a voracious appetite for sea urchins which in turn eat the giant kelp, the mainstay of life for the fish of the area. When the sea otter was virtually wiped out by hunters, the sea urchins consumed the food-supplying kelp, thus leaving none for the fish and not only endangering the total ecology of the area, but severely damaging fishing for consumer purposes.

So it is easy to see that this indiscriminate slaughter of the world's sea mammals does no more than add to the pocketbook of a few profiteers and it is virtually destroying this gift of nature.

Therefore, I am introducing today a bill to protect all ocean mammals from harassment or slaughter.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAREY of New York (at the request of Mr. BOGGS), for June 1 and 2, on account of death in family.

Mr. DENT (at the request of Mr. O'NEILL), for June 1 and balance of the week, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TERRY) and to revise and extend their remarks and include extraneous matter:)

Mr. BROOMFIELD, today, for 5 minutes.

Mr. COLLINS of Texas, on June 2, for 20 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, today, for 10 minutes.

Mr. RODINO, today, for 10 minutes.

Mr. MITCHELL, today, for 10 minutes.

Mr. KASTENMEIER, today, for 5 minutes.

Mr. MCFALL, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. ST GERMAIN, today, for 10 minutes.

Mr. PUCINSKI, on June 2, for 30 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TERRY) and to include extraneous matter:)

Mr. BURKE of Florida.

Mr. PELLY in three instances.

Mr. DICKINSON.

Mr. GUDE.

Mr. COLLINS of Texas in five instances.

Mr. CARTER.

Mr. REID of New York.

Mr. SCHWENGEL in to instances.

Mr. FREY.

Mr. CONABLE.

Mr. HUNT in two instances.

Mr. ANDERSON of Illinois.

Mr. KEMP.

Mr. SCOTT.

Mr. SCHERLE.

Mr. WYMAN in two instances.

Mr. HOSMER in two instances.

Mr. BRAY in two instances.

Mr. BYRNES of Wisconsin.

Mr. MILLER of Ohio.

Mrs. HECKLER of Massachusetts.

Mr. CHAMBERLAIN.

Mr. KUYKENDALL.

Mr. BELL.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mr. EILBERG.

Mr. EDWARDS of California in two instances.

Mr. LONG of Maryland.

Mr. HAMILTON.

Mr. BADILLO in five instances.

Mr. ADAMS in three instances.

Mr. MINISH in two instances.

Mr. FASCELL in three instances.

Mr. BINGHAM in two instances.

Mr. BENNETT in two instances.

Mr. RYAN in three instances.

Mr. HUNGATE in two instances.

Mr. GONZALEZ in two instances.

Mr. HANNA in two instances.

Mrs. SULLIVAN in two instances.

Mr. ANDERSON of California in three instances.

Mr. GRIFFIN in two instances.

Mr. ASHLEY in two instances.

Mr. HATHAWAY in two instances.

Mr. PICKLE in two instances.

## SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 103. Joint resolution to authorize the President to designate June 1, 1971, as "Medical Library Association Day".

## ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 2, 1971, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

776. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1972 for the Atomic Energy Commission (H. Doc. No. 92-116); to the Committee on Appropriations and ordered to be printed.

777. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1972 for the Department of Health, Education, and Welfare (H. Doc. No. 92-117); to the Committee on Appropriations and ordered to be printed.

778. A letter from the Deputy Secretary of Defense, transmitting a report on disbursements made against the appropriation for "Contingencies, Defense" in the Department of Defense Appropriation Act, fiscal year 1971, covering the period July 1, 1970, to March 31, 1971; to the Committee on Appropriations.

779. A letter from the Secretary of Commerce, transmitting the 95th Quarterly Report on Export Control, covering the first quarter of 1971, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

780. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend acts entitled "An act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes" and for other purposes; to the Committee on Interior and Insular Affairs.

781. A letter from Acting Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 167, *The Creek Nation, Plaintiff, v. The United States of America, Defendant*, pursuant to 60 Stat. 1049 and 1055; to the Committee on Interior and Insular Affairs.

782. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of April 30, 1971, pursuant to section 5(e) of Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

783. A letter from the Chairman, Federal Power Commission, transmitting a copy of a map entitled "Major Natural Gas Pipelines, as of December 31, 1970"; to the Committee on Interstate and Foreign Commerce.

784. A letter from the American Symphony Orchestra League, Inc., transmitting the audit report of the league for the fiscal year ended March 31, 1971, pursuant to Public Law 87-817; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

785. A letter from the Comptroller General of the United States, transmitting a report that the Farmers Home Administration, Department of Agriculture, did not enforce its requirements designed to insure the financial soundness of loans to grazing associations; to the Committee on Government Operations.

786. A letter from the Comptroller General of the United States, transmitting a report on excesses and improvements made in inventories at naval shipyards, Department of the Navy; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 3146. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the National Forest System. (Rept. No. 92-233). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8313. A bill to amend the Social Security Act in order to continue for 2 years the temporary assistance program for U.S. citizens returned from abroad (Rept. No. 92-234). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8311. A bill to amend the Renegotiation Act of 1951 to extend the act for 2 years, to modify the interest rate on excessive profits and on refunds, and to provide that the Court of Claims shall have jurisdiction of renegotiation cases; with amendments (Rept. No. 92-235). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS of Alabama: Committee on Appropriation. H.R. 8825. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-236). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 8781. A bill to amend the Internal Revenue Code of 1954 to impose a retailers excise tax on the phosphate content of cleaning agents, and to provide that the collections of such tax shall be paid over to the municipalities in which such cleaning agents were sold; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. SIKES, Mr. GARMATZ, Mr. CLARK, Mr. HALPERN, Mr. PEPPER, Mr. BEVILL, Mr. KUYKENDALL, Mr. NICHOLS, Mr. RARICK, Mr. MANN, Mr. WHITEHURST, and Mr. METCALFE):

H.R. 8782. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

By Mr. BEVILL:

H.R. 8783. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to provide for the continuance of the present system of entitlements; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 8784. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 8785. A bill for the relief of the Southwest Metropolitan Water and Sanitation District, Colorado; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H.R. 8786. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. BURTON (for himself, Mr. ASPINALL, Mr. SAYLOR, Mr. DON H. CLAUSEN, Mr. HOSMER, Mr. TAYLOR, Mr. FOLEY, Mr. SKUBITZ, Mr. RYAN, Mr. RUPPE, Mrs. MINK, Mr. MEEDS, Mr. LUJAN, Mr. STEPHENS, Mr. VIGORITO, Mr. RONCALIO, Mr. BEGICH, Mr. MCCLURE, Mr. TERRY, Mr. KASTENMEIER, Mr. STEIGER of Arizona, Mr. DELLENBACK, Mr. CORDOVA, Mr. MATSUNGA and Mrs. CHISHOLM):

H.R. 8787. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. COUGHLIN (for himself and Mr. BIESTER):

H.R. 8788. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 8789. A bill to amend title II of the Social Security Act to provide that the surviving spouse of an insured worker may authorize direct payment of the worker's lump-sum death payment to the funeral home for his burial expenses; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 8790. A bill to amend section 1481 of title 10 of the United States Code to extend funeral expense coverage thereunder with respect to military retirees who expire while patients in certain U.S. hospitals; to the Committee on Armed Services.

By Mr. FRASER:

H.R. 8791. A bill to amend the Northwest Atlantic Fisheries Act of 1950, the North Pacific Fisheries Act of 1954, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GUDE:

H.R. 8792. A bill to authorize the transfer of jurisdiction of certain lands in the National Park System located in Montgomery County, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8793. A bill to amend section 553, title 5, United States Code, relating to administrative practice and procedure, to remove certain exemptions from the requirement of notice of proposed rulemaking; to the Committee on the Judiciary.

By Mr. HAGAN (for himself, Mr. BROYHILL of Virginia, Mr. MCKINNEY, and Mr. HOGAN):

H.R. 8794. A bill to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police Force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police Force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes; to the Committee on the District of Columbia.

By Mr. HECHLER of West Virginia:

H.R. 8795. A bill to provide for the transfer to the Secretary of Labor of all functions of the Secretary of the Interior relating to the health and safety of persons working in the mineral industries, and for other purposes; to the Committee on Education and Labor.

By Mr. HOSMER (for himself, Mr. STEIGER of Arizona, Mr. DON H. CLAUSEN, and Mr. SEBELIUS):

H.R. 8796. A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOSMER (for himself, Mr. DON H. CLAUSEN, Mr. CAMP, Mr. LUJAN, Mr. SEBELIUS, and Mr. TERRY):

H.R. 8797. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California (for himself and Mr. DON H. CLAUSEN):

H.R. 8798. A bill to perserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

By Mr. KOCH (for himself, Mr. CÓRDOVA, Mr. FAUNTROY, Mr. GREEN of Pennsylvania, Mr. ROBINSON of Virginia, Mr. JAMES V. STANTON, Mr. SYMINGTON, and Mr. TIERNAN):

H.R. 8799. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. MCFALL:

H.R. 8800. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans and grants to certain cooperatives serving farmers and rural residents, and for other purposes; to the Committee on Agriculture.

H.R. 8801. A bill to amend the Immigration and Nationality Act to classify as "Special Immigrants," alien veterans who served honorably in the U.S. Armed Forces, together with their spouses and children, for purposes of lawful admission into the United States; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 8802. A bill to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 8803. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 8804. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. NIX (for himself, Mr. DULSKI, Mr. HENDERSON, Mr. DANIELS of New Jersey, Mr. HANLEY, Mr. WHITE, Mr. BRASCO, Mr. PURCELL, Mr. BEVILL, Mr. GROSS, Mr. DERWINSKI, Mr. SCOTT, Mr. MCCLURE, Mr. HOGAN, and Mr. YOUNG of Florida):

H.R. 8805. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 8806. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through

a program of recreational development, reforestation and conservation management, and for other purposes; to the Committee on Education and Labor.

By Mr. PETTIS:

H.R. 8807. A bill to amend the Railroad Unemployment Insurance Act to provide that the receipt of military retirement pay shall not cause benefits under that act to be diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 8808. A bill to equalize civil service retirement annuities and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8809. A bill to amend section 8338, title 5, United States Code, to correct inequities applicable to those employees or members separated from service with title to deferred annuities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REID of New York:

H.R. 8810. A bill to amend title 10 of the United States Code to prohibit the discharge or release from active duty from the Armed Forces of persons who are addicted to narcotics or dangerous drugs; to the Committee on Armed Services.

H.R. 8811. A bill to expand eligibility for the treatment of addiction to narcotics by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 8812. A bill to amend title II of the Social Security Act to provide for purposes of the provisions thereof relating to deductions from benefits on account of excess earnings, there be disregarded, in certain cases, income derived from the sale of certain copyrights, literary, musical, or artistic compositions, letters or memorandums, or similar property; to the Committee on Ways and Means.

H.R. 8813. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. RYAN, Mr. EILBERG, Mr. FLOWERS and Mr. SEIBERLING):

H.R. 8814. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 8815. A bill to amend the Child Nutrition Act of 1966 to make the school breakfast program permanent, and for other purposes; to the Committee on Education and Labor.

By Mr. SAYLOR (for himself, Mr. HOSMER, Mr. SKUBITZ, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. LLOYD, Mr. DELLENBACK, Mr. SEBELIUS, Mr. MCKEVITT, and Mr. CÓRDOVA):

H.R. 8816. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 8817. A bill to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes; to the Committee on Agriculture.

By Mr. THOMPSON of Georgia:

H.R. 8818. A bill to amend the National Labor Relations Act to make certain secondary boycotts, regardless of motive, an unfair labor practice, and for other purposes; to the Committee on Education and Labor.

H.R. 8819. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 4,000 pounds; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 8820. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 8821. A bill relating to the treatment of certain stock options for purposes of the 50-percent maximum tax on earned income; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama:

H.R. 8825. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. BINGHAM:

H.J. Res. 669. Joint resolution to limit the authority of the President of the United States to intervene abroad or to make war in the absence of a congressional declaration of war; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H.J. Res. 670. Joint resolution authorizing the President of the United States to issue a proclamation designating the week beginning October 10, 1971, as "National Records Management Week"; to the Committee on the Judiciary.

By Mr. SATTERFIELD:

H.J. Res. 671. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SEIBERLING (for himself, Mr. HALPERN, Mr. BEGICH, Mr. GUDE, Mr. FORSYTHE, Mr. WILLIAM D. FORD, Mrs. GRASSO, Mr. MIKVA, and Mr. ANDERSON of Illinois):

H.J. Res. 672. Joint resolution authorizing the President to call an international conference to study the problems with respect to the development and use of supersonic aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.J. Res. 673. Joint resolution to proclaim the last Friday in April as Arbor Day; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

200. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to the persecution of Soviet Jews; to the Committee on Foreign Affairs.

201. Also, memorial of the Legislature of the State of Oklahoma, relative to the development of Oklahoma's water resources; to the Committee on Interior and Insular Affairs.

202. Also, memorial of the Legislature of the State of Alabama, relative to the posthumous restoration of Robert E. Lee's citizenship; to the Committee on the Judiciary.

## PRIVATE BILLS

Under clause 1 of rule XXII, private bills and resolutions were introduced and referred severally as follows:

By Mr. ADDABBO:

H.R. 8822. A bill for the relief of Ester Dina Bursztyn; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 8823. A bill for the relief of Stanislav M. Voukovitch; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 8824. A bill for the relief of Jesus Tagle Kangleon and his wife, Solita Alconcel Kangleon; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## REASON ON HIS SIDE

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, June 1, 1971*

Mr. BYRD of Virginia. Mr. President, the April 5 edition of the Richmond News Leader included an excellent editorial on the subject of the prohibition against importation of chrome ore from Rhodesia.

Chrome ore is a material vital to national defense, and the United States presently receives most of its supply from the Soviet Union. I have introduced legislation which would end the present ban on importing chrome from Rhodesia, The editorial supports their position.

I ask unanimous consent that the editorial, "Reason on His Side," be printed in the Extensions of Remarks.

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

[From the Richmond News Leader, April 5, 1971]

REASON ON HIS SIDE

Virginia's senior Senator, Harry F. Byrd, Jr., has a talent for zeroing in on a double standard with the precision of an expert bombardier. He believes that this nation's policy on trade with Rhodesia is one of the most yawning double standards languishing around Washington today, and in recent weeks he has been firing away at it. He has reason on his side.

Senator Byrd hopes that the Nixon Administration will drop all of the anti-Rhodesia economic sanctions that went into effect January 5, 1967. But he realizes that the lifting of those sanctions is unlikely. So his particular complaint is that the United States depends on the Soviet for chrome ore. Rhodesia is the major Free World producer of chrome ore; the only other significant source of the ore in the *entire* world is the Soviet Union. Since the U.S. invoked sanctions against Rhodesia, the Soviets have taken advantage of their monopoly position to raise their price of chrome to more than twice their competitive, pre-sanction price. Consequently, money that used to go to companies in Rhodesia for $35 a ton, now is being channeled to the Soviets at $75 a ton.

The situation is ridiculous, and Senator Byrd knows it. So a week ago he introduced a bill to allow the importation of chrome ore from Rhodesia (a similar bill sponsored by 25 Congressmen has been introduced in the House). Under the Senator's proposal, the President could not prohibit imports of a strategic material from a Free-World country, if the same material is allowed into the U.S. from a Communist nation. Chrome ore is a strategic material. It is a necessary component of stainless steel, and it is critical in the manufacture of engines for missiles and jets.

Under present American policy, the United States is dependent on the Soviets for

chrome: Last year alone, the Soviets coined a cool $28 million from American purchases. Even so, American industry is suffering a severe shortage of chrome—so severe that the Offices of Energy Preparedness has asked Congress for permission to sell 30 per cent of the chrome in the nation's strategic stockpile. The 3.2 million tons remaining in the stockpile would be only 100,000 tons more than the amount required to maintain the nation's emergency reserve. And Soviet chrome alone is not sufficient for American needs: According to the OEP, "there is no way to see the chromium ore needs of the United States being met without chrome ore from Rhodesia."

The rationale for the imposition of American sanctions was put succinctly by Arthur Goldberg several years ago, when he was ambassador to the UN. He said the U.S. should stop trading with Rhodesia so as not "to perpetuate the control of 6 per cent of the [Rhodesian] population over the other 94 per cent." Yet, as Senator Byrd told the Senate March 4, "Is it not a fact that in the Soviet Union the members of the Communist party, comprising about 1 per cent of the population and acting through a few leaders, control the other 99 per cent of the people of that nation of nearly 220 million?" Ah, yes: the double standard. We will trade with the Soviets, who hate us; we will refuse to trade with the Rhodesians, who do not.

The sanctions against Rhodesia have been a manifest flop. President Nixon verified their failure when he said in his recent State of the World message, "We have reaffirmed and continued to enforce the economic sanctions against Rhodesia, and we have sought ways to ensure a more universal compliance with those sanctions." But how long will the United States cling to an ineffectual boycott that makes the U.S. increasingly vulnerable to a Cold War enemy? Senator Byrd contends that the Nixon Administration should reverse its anti-Rhodesia policy because "morally, it is wrong. Legally, it is dubious. Economically, it is costly. And it [jeopardizes] the security of the United States." He is doing his best to see that the policy is reversed. Wish him luck.

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## IS OUR MONEY BEING SPENT EFFECTIVELY?

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. HANNA. Mr. Speaker, I believe the time has come for the Congress to give careful scrutiny to this administration's efforts to redirect our many unemployed—specifically those in aerospace engineering.

My district has received a significant amount of Federal funding over the past year, and for the hope this has given the unemployed, I and they are very thankful. We cannot, however, fail in our responsibilities to determine if these moneys have been effectively spent—are we getting a sufficient return on our investment?

Last week I wrote the President regarding what I fear to have been a waste of money in this regard. I include my letter to the President at this point and ask you, my esteemed colleagues, to judge for yourselves whether this administration is responding to the real needs of this Nation or to its own short-term political ends.

The letter follows:

MAY 25, 1971.

President RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: We were encouraged and many of our fine arerospace engineers were greatly heartened to learn of the cooperation between your Administration and the California State Department of Human Resources which has resulted in the opening of a school in Southern California to train unemployed engineers in the practical and fine points of pollution management.

Through a quite rigorous selection process—only one out of every four applicants was accepted—a number of engineers from District became members of the first class of 100 highly qualified engineers to enroll in the school. The curriculum—640 hours developed by the J. Frederick Marcy organization—has the capability of producing some greatly needed talent.

Now we come to the problem with this well-funded and promising program. These fine, well-qualified engineers, having graduated from this fine, well-structured school, will be fired with enthusiasm engendered by their government and motivated by their true desire to contribute to our society—but there will be no jobs.

The failure, Mr. President, of this well-intended and fully financed approach must be a matter deserving of your personal concern. We suggest that you evidence this needed concern and commitment by instructing the Environmental Protection Agency to survey immediately for potential positions for these men who have been encouraged—both by their Federal and State governments to believe they and their training would be useful.

If there is in fact no utility for this elite group, well-trained in pollution abatement and control, then nobody is in a posture to claim to have matched his rhetoric with the stark realities of our times, and our government will have slipped but one more notch in the eyes of those it is dedicated to serve.

Thanking you for your attention to this matter, I remain.

Respectfully yours,

RICHARD T. HANNA,
*Member of Congress.*

Mr. Speaker, I also draw your attention to what I consider to be a highly destructive input into the policy formations of this administration: the thinking of Jack W. Carlson, Assistant Deputy Director, U.S. Office of Management and Budget.

I point out specifically Mr. Carlson's apparent lack of concern over the unemployed engineer and question his interpretation of the demands being made by the voting taxpayer in America. If, as statistics seem to indicate, one employed engineer generates seven jobs in supporting services, this 1 percent of the unemployed carries much more weight than Mr. Carlson cares to admit. And if, as I firmly believe, this Nation truly does care about its future and sincerely desires to preserve our environment then the demand for these engineers will continue, something else with which Mr. Carlson seems to disagree.

The complete article to which I have made reference follows. I ask you again to consider whether we should be satisfied with this input or whether we ought to strive to get another—and to my mind more accurate—viewpoint to the President. The article follows:

[From the Electronic Engineer, April 1971]

TIME TO FACE FACTS

Jack W. Carlson, Assistant Deputy Director, U.S. Office of Management and Budget, spoke as part of the WINCON panel on the "Impact of Changing National Goals and Priorities in the Aerospace Industry." He was very tough, and very disheartening. His key point was: emphasis at the federal level is shifting. Certainly no argument there.

He noted that engineering and science are so oversupplied that if business were to return to "normal" this afternoon, some employment areas would not stabilize until 1980, if then. Mathematicians, teachers, and environmental scientists were cited specifically. Engineering is expected to stabilize by the last third of this decade.

One of the first things to do is to cut off the supply. If schools would force students to put up money for certain programs, forcing them to look realistically at cost vs. expected return, many would be discouraged.

The country is not worried about losing its highly trained teams. There is such an oversupply that putting together top rate teams is easy. There is no need to hoard engineers or capability now as there may have been in the past.

Engineers are only 1% of the unemployed. Carlson has another 99% to worry about who do not have the assets that engineers have to start with. The administration is not interested in any type of welfare to help engineers. The cost of employing them all again would be $5–10 billion a year, which is about 25% of the expected gain in real GNP, or about 20 SSTS.

All professions set up barriers to prevent outsiders from penetrating, so it will be hard for engineers to get into other professions. Carlson thinks engineers should search diligently for jobs and expect to take "second best" jobs with lower pay. In aerospace, they have been compensated in the past by "premium" wages to make up for the uncertainty of the business. He estimates that this lower pay would be 15–25% of their earlier salary.

Nobody has any need for the level of sophistication present in DoD, believes Carlson. Companies that turn to the commercial markets should concentrate on "cruder" products. This might be easy, compared to trying to make crude things sophisticated.

I asked him about low cost government loans or grants *a la* Japan. According to him, we are doing as well selling to Japan as buying, and all will even out.

Things like data terminals and communications equipment are what he calls "derived products." They are relatively close to the marketplace and everyone can see their value. The government is more likely to sponsor science at the level where less obvious advantages or markets occur, because one cannot expect commercial industry to invest where it cannot see a direct benefit.

As far as standards for medical electronics, educational equipment, and pollution control, the government must first determine that a genuine demand for them exists, and the level of need. Then it can begin to talk about standards. I got the impression that he was not convinced that people were serious about pollution, and that sophisticated medical electronics was not a crying need, compared to basic medical care.

Carlson also confirmed that the technical dollar content of all the domestic oriented programs was a lot smaller than in aerospace or "foreign policy" programs, as he refers to them.

His comment on the SST as a favorable factor in balance of payments was interest-

ing. He noted that it would bring money into the country, but that ticket purchases to visit other parts of the world would take money out of the country in offsetting amounts, so he did not consider it an overall gain.

Carlson held on strong, despite a lot of fire. He obviously thinks in a way alien to many of us. One of the other speakers may have shown the best insight when he said, "Congressmen consistently vote their mail. If you are not doing anything to change your Congressman's mail, don't come to me with your problems." That might be a good lesson for all of us.

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## ACTION TO HALT FLORIDA CANAL UNCONSTITUTIONAL

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BENNETT. Mr. Speaker, because the question on the halting of the construction of the Cross-Florida Barge Canal, a legally authorized and appropriated for project approved by the U.S. Congress, is so important, I include in the CONGRESSIONAL RECORD the following speech on the constitutionality of the stop order, delivered before the Jacksonville, Fla., Bar Association, April 15, 1971:

SPEECH OF CONGRESSMAN CHARLES E. BENNETT

(The President: "He shall take care that the laws be faithfully executed."—Section 3 of article 2 of the Constitution.)

THE PRESIDENT'S LEGAL BRIEF ON FLORIDA CANAL TERMINATION REVEALS THAT HE WAS MISLED ON THE LAW

The responsibility of the President of the United States is as stated in Section 3 of Article 2 of the Constitution to "take care that the laws be faithfully executed." He has the power of veto in the process of enactment or repeal of a law (Section 7 of Article I); but after a bill is signed into law and appropriations are made he cannot repeal the law himself without Congressional repealing; and the President must execute or carry out the duly enacted law. He can, of course, recommend that the law be repealed. No principle of American constitutional government is more fundamental than this to our heritage or more clearly stated in our Constitution.

The keystone of our government is its division into the three separate branches: legislative, executive and judicial. One of our founding fathers, President James Monroe expressed it well in the Federalist Papers (No. 47) when he wrote: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

So in defining the powers of the new president our forefathers wrote into our Constitution: "He shall take care that the laws be faithfully executed."

The Cross-Florida Barge Canal was specifically authorized in 1942 by Public Law 77-675. Although its value to the defense needs of our country were recognized in its authorization, the shortage of manpower for its construction during World War II postponed the appropriations needed for its commencement. But the appropriations have been made continuously ever since 1964 and now total $60 million; and the project is now more than a third complete.

Last year in the House Report on the appropriations bill the following statement was made: "The committee has included in the bill the $6,000,000 including carryover funds, proposed in the budget to continue construction of the project . . . the committee does not feel that it would be warranted, in the light of the current facts available, in delaying construction of the project which was started in 1964 and is now about 30 percent complete . . . Considering, therefore, the status of the construction and the need for the project, the committee recommends that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area."

It is not proposed to discuss here the merits of the canal; but only the legality of a Presidential edict to terminate the project. The merits which amply justify the project, will be discussed in another presentation. However, the facts are that about $50 million have been spent on this canal (1) which the Joint Chiefs of Staff supported to provide "an additional and shorter line of communication between the Gulf Coast and the East Coast" that would "reduce exposure of shipping to submarine attack" and (2) which several independent studies found to be justified for economic and job producing reasons, and (3) which many geologists and ecologists, and all Congressional public hearings, open to all points of view, gave a clean bill of health to on ecological grounds.

On January 19, 1971 the President issued a press release in which he said, "I am today ordering a halt to further construction of the Cross-Florida Barge Canal."

After repeated requests to the White House, on February 25, 1971 the White House staff furnished the following statement on the legal authority of the President to terminate the Cross-Florida Barge Canal without Congressional approval, reciting that this was the opinion of the Department of Justice.

"An appropriation of funds for a particular project or activity is ordinarily regarded as permissive in nature and not as equivalent to a direction that such projects or activity be undertaken or that such funds be spent. See 42 Ops. A. G. No. 32, p. 4 (1967); *McKay* v. *Central Electric Power Cooperative*, 223 F.2d 623, 625 (C.A.D.C. 1955)."

The only court decision cited to uphold the quoted conclusion was *McKay* v. *Central Electric Power Cooperative* (an R.E.A. Cooperative). This case does not in any way support the President's action on the canal; because, unlike the canal which was specifically authorized and specifically appropriated for, the R.E.A. contracts in the McKay case depended—solely for any specific performance on such contracts—upon the language of a general appropriations law for electrical transmission facilities, while the law made no reference whatsoever to particular projects or particular contracts. In fact, the legislative history of the law in the electrical case indicated an intent to exclude the contracts sought to be performed; but this was not relied upon in the appellate decision, but only the fact that the legislation was silent on the specific project and the specific contracts involved. The court observed that the claimants might, despite the court's ruling on specific performance of the contracts, sue the government for breach of contract in another suit.

Clearly, the above cited case is not only no authority for the President's action on the canal matter; but it is in fact authority against the President having such authority when the project involved, such as the canal, is both authorized and appropriated for by specific provision of law. This would be true whether a suit is for specific performance or for breach of contract.

The only other authority relied upon by the Administration for its position was the 1967 opinion of Attorney General Ramsey Clark upholding the power of the President to impound Federal-Aid Highway funds before they had been obligated by approval of a specific qualifying project. This impoundment was not to end any project but only to temporarily reduce the level of spending to curb inflation. No contractual obligations of the United States were involved in any way. Clearly that decision is not analogous in any way to the President's order to terminate completely a project duly and specifically authorized and funded by legally enacted law. The Attorney General said:

"It is my conclusion that the Secretary has the power to defer the availability to the States of those funds authorized and apportioned for highway construction which have not, by the approval of a project, become the subject of a contractual obligation on the part of the Federal Government in favor of a State.

"Moreover, since the purpose of action here is not to reduce the total amount of the funds to be devoted to the Federal-Aid Highway Program but merely to slow the program for a limited period, hopefully it will have no adverse effect on the completion of the program 'as nearly as practicable' by the end of the period envisaged in 23 U.S.C. 101(b)."

The Attorney General in the above opinion stated:

"The Courts have recognized that appropriation acts of a fiscal and permissive nature and do not in themselves impose upon the executive branch an affirmative duty to expend the funds. *Hukill* v. *United States*, 16 C. Cl. 562, 565 (1880); *Campagna* v. *United States*, 26 C. Cl. 316, 317 (1891); *Lovett* v. *United States*, 104 C. Cl. 557, 583 (1945), affirmed on other grounds, 328 U.S. 303 (1946); *McKay* v. *Central Electric Power Cooperative*, 223 F. 2d 623, 625 (C.A.D.C. 1955)."

The Library of Congress Reference Service paper "Impoundment by the Executive of Funds which Congress Has Authorized It to Spend or Obligate" at page 15 observes of the above Attorney General's opinion that the cited cases do not "sustain the broad proposition for which they were cited."

In the Hukill case, above cited, the United States had enacted an appropriations law which would pay postal employees for services rendered in the South during the Civil War, under certain circumstances; and then provided that any unexpended balance would be turned over to the Treasury in two years. After the two years expired, Hukill attempted to enforce the payment terms of the appropriations law. Although holding against Hukill because he had not shown that he had not theretofore been paid for the same services by the Confederacy, the Court also held that if he had not been so previously paid he could have recovered under the above statute. In deciding this, the Supreme Court said:

"An appropriation by Congress of a given sum of money, for a named purpose, is not a designation of any particular pile of coin or roll of notes to be set aside and held for that purpose, and to be used for no other; but simply a legal authority to apply so much of any money in the Treasury to the indicated object.

"Every appropriation for the payment of a particular demand, or a class of demands, necessarily involves and includes the recognition by Congress of the legality and justice of each demand, and is equivalent to an express mandate to the Treasury officers to pay it. This recognition is not affected by any previous adverse action of Congress; for

the last expression by that body supersedes all such previous action."

The Hukill case is clearly not a case that supports as legal the action of the President in the canal matter. To the extent that it is in point, it would support the continuation of the canal under the duly enacted appropriations laws even if there were no prior authorization law. However, the canal has no deficiency in authorization and does not need to rely on the Hukill case.

The Campagna case, above cited, is a case in which a Marine Band musician sued for a salary of $23 per month as distinguished from a rate of $17 since the appropriations statute involved provided for "thirty musicians at forty dollars, eight at twenty-six dollars, and fifteen at twenty-three dollars per month each, nine thousand dollars." After observing that Congress was confronted with paying musicians whose pay varied because of longevity, etc., the Court held as follows:

"An appropriation is per se nothing more than the legislative authorization prescribed by the Constitution that money may be paid out at the Treasury. Frequently there is coupled with an appropriation a legislative indication that the designated amount shall be paid to a person or class of persons, and from such an appropriation a statutory right arises upon which an action may be maintained. Occasionally an appropriation act goes still further, and expressly or by necessary implication changes preexisting law so as permanently to increase or diminish the compensation of an officer, agent, or employe of the Government. (*Faris Case*, 23 Stat. L., 374)."

The above case is no authority whatsoever for the termination of any project. Insofar as there was a project in the Campagna case—the hiring of musicians—there was no interruption of it. Only the amount of wages was ruled adverse to the claimant and even this was upon an interpretation of a particular statute, as affected by legislative intent.

In the Lovett case, the only case cited above that has not already been discussed, the plaintiffs sued for their wages as employees of the U.S. Government for a period of time after November 15, 1943, Congress having enacted in July of 1943 a law which provided that no Federal funds should be expended to pay them for any services rendered after November 15, 1946, unless prior to such date the President should have appointed them "with the advice and consent of the Senate." They were never so appointed, but they served beyond the November 15 date under less formal appointments. The Court ruled that the statute did not destroy the obligation of the Government to pay for services rendered and therefore, did not prevent a judgment in favor of the plaintiffs for the wages involved even for services after the November 15 dates. In the opinion of Justice Madden in this case, the following statement was made:

"It may well be that under our Constitution, and under any constitution which might be devised for a free people, one branch of the Government could, temporarily at least, subvert the Government. The Judges might refuse to enforce legal rights or convict criminals. The President might order the Army and Navy to surrender to the enemy. Congress might refuse to raise or appropriate money to pay the President or the Justices of the Supreme Court and the other courts. But any of these imagined actions would not be taken pursuant to the Constitution, but would be acts of subversion and revolution, the exercise of mere physical power, not lawful authority. And conduct by any branch of the Government less ruinously subversive, but, so far as it goes, equally unconstitutional, is likewise an exercise of physical power rather than lawful authority."

It is clear that the authorities relied upon by the Justice Department in advising the White House, do not give any support at all to the action taken. In no such case was there specific authorization and specific appropriation for a project that was terminated; and the cases clearly deny, rather than support, the Administration's position. In fact, the decisions could not hold otherwise in view of the specific Constitutional mandate that the President "shall take care that the laws be faithfully executed." The same memorandum which revealed the Department of Justice recitation of cases above referred to also observed:

"The Department of Justice advises us that since the funds presently available for construction of the canal have been appropriated without fiscal year limitation, no further legislative action would be necessary to make such funds available for a resumption of construction. Whether a reauthorization would be necessary as a basis for future appropriations is a matter for Congress to decide."

In making the above statement, the Justice Department has in fact conceded that the President cannot repeal a law; and since the laws that authorized and appropriated for the canal still exist they must admit, if they are to be logical, that the Constitution requires these laws to be carried out by the President until they are legally repealed.

In view of the Constitutional provision which binds the President to execute and carry out the law, and in view of the fact that the Department of Justice has produced no authorities to support the President's power to terminate the canal (which it obviously could not do in the face of the Constitution), only a few leading cases will not be discussed which the Justice Department failed to mention but which clearly show that the President has no power to terminate the canal unless and until the laws providing for the project are duly repealed. The President does, of course, have the right to veto a bill; but once it is passed with Presidential consent or by another vote overriding the veto he must carry out the laws of the land. Otherwise, as Justice Madden said, above, the deed would be one of physical power rather than of lawful authority.

"Under our system of government it is the legislative branch which is to make and decide policy. The executive branch is supposed to carry out the policies declared by Congress. (31 Cong. Dig., No. 1, p. 1, at 2(1952).) (See MacLean, President and Congress: The Conflict of Powers 61 (1955).)"

The following comments rely heavily on the excellent article by Gerald W. Davis in the October, 1964, edition of "Fordham Law Review."

Whether the Constitution in directing the President to "take care that the laws be faithfully executed" vests in him discretion as to the execution of laws was argued in *Kendall* v. *United States ex. rel. Stokes*. (37 U.S. (12 Pet.) 524 (1838).) Postmaster Kendall had disallowed claims of Stokes for carrying the mail. Congress passed an act directing Kendall to credit Stokes with the amount due. Kendall again refused to pay the claim, contending that only the President, under the power to see that the laws are executed could require that he pay the claims. The Supreme Court upheld a mandamus ordering the payment, holding that the President was not impowered to dispense with the operation of law upon a subordinate executive officer:

"When Congress imposes upon any executive officer any duty they may think proper, which is not repugnant to any right secured and protected by the Constitution . . . in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President . . .

"To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible."

To avert a nationwide strike of steelworkers in April, 1952, which he believed would jeopardize national defense, President Truman issued an Executive order directing the Secretary of Commerce to seize and operate most of the steel mills. According to the Government's argument in *Youngstown Sheet & Tube Co.* v. *Sawyer* (343 U.S. 579 (1952)), the directive was not founded on any specific statutory authority, but upon "the aggregate of the President's constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces." The Secretary of Commerce issued an order seizing the steel mills and the President promptly reported these events to Congress, but Congress took no action. It had provided other methods of dealing with such situations and had refused to authorize governmental seizures of property to settle labor disputes. The steel companies sued the Secretary and the Supreme Court rejected the broad claim of power asserted by the Chief Executive, holding that "the order could not properly be sustained as an exercise of the President's military power as Commander in Chief . . . nor . . . because of the several constitutional provisions that grant executive power to the President."

Mr. Justice Black, who delivered the opinion of the Court, noted:

"In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent or equivocal about who shall make laws which the President is to execute.

"The first section of the first article says that 'All legislative Powers herein granted shall be vested in a Congress of the United States . . .' After granting many powers to the Congress, Article I goes on to provide that Congress may 'make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.'

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President . . . The power of Congress to adopt such public policies as those proclaimed by the order is beyond question . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.

"It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution 'in the Government of the United States, or any Department or Officer thereof.' "

Mr. Justice Douglas, in a concurring opinion, noted:

"The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate. Article II, Section 3, also provides that the President 'shall take care that the laws be faithfully executed.' But . . . the

power to execute the laws starts and ends with the laws Congress has enacted."

The three dissenting Justices did not assert that the President could act contrary to a statute enacted by Congress. They argued that there was no statute which prohibited the seizure and that there was "no evidence whatever of any Presidential purpose to defy Congress or act in any way inconsistent with the legislative will."

Mr. Justice Jackson, concurring with the majority opinion, remarked on the "proverty of really useful and unambiguous authority applicable to concrete problems of executive power as they actually present themselves." He suggested that "Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." Justice Jackson then listed the situations in which a President may doubt, or others may challenge, his powers and indicated the legal consequences of the factor of relativity to the powers of Congress:

"1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . . If his act is held unconstitutional under these circumstances, it usually means that the Federal Government as an undivided whole lacks power . . .

"2. When the President acts in absence of either a congressional grant or denial of authority, he can only reply upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

"3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system."

In the canal matter, the President has taken a step such as Justice Jackson describes in the third situation above, that is one incompatible with the intention of Congress in duly enacted laws. Therefore, "he can only rely upon his own constitutional powers, minus any constitutional powers of Congress."

The weight of authority is against the existence of an inherent presidential power to impound appropriated funds—Goostree. The Power of the President To Impound Appropriated Funds: With Special Reference to Grants-In-Aid to Segregated Activities, 11 Am. U.L. Rev. 32, 42 (1962).

The general theory underlying the Constitution is that Congress shall be responsible for the determination and approval of the fiscal policies of the Nation and that the executive shall be responsible for their faithful execution—Report of the President's Committee on Administrative Management at 15 (1937).

This division of authority was stated by President Wilson in a message to Congress on May 13, 1920:

"The Congress and the Executive should function within their respective spheres . . . The Congress has the power and the right to grant or deny an appropriation, or to enact or refuse to enact a law; but once an appropriation is made or a law passed, the appropriation should be administered or the law executed by the executive branch of the Government. (Report of Pres. Comm. on Admin. Mgt. at 15.)"

Congress has the final responsibility, subject to constitutional limitations and the President's veto power, for deciding which activities are to be undertaken by the Government and the amount of money to be spent on each. The President's role is to recommend to Congress a unified and comprehensive budget and to administer the budget as finally enacted—Committee on Organization of the Executive Branch of the Government Report on Budget and Accounting in the U.S. Government at 12–13 (1955).

Although an authorization may be considered as only constituting permission to expend funds for a particular purpose, an appropriation of funds implies a directive that such funds be expended to effect the purpose indicated.

"Congress in making appropriations has the power and authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the government may expend such appropriations . . .

"The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter solely in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same. Any attempt by the judicial branch of our government to interfere with the exclusive powers of Congress would be a plain invasion of the powers of said body conferred upon it by the Constitution of the United States. (*Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. 985, 988 (S.D. Cal. 1945), aff'd, 154 F. 2d 419 (9th Cir. 1946).)"

The Supreme Court has also held that when Congress makes an appropriation in terms which constitute a direction to pay a sum of money to a particular person, the officers of the Treasury cannot refuse to make the payment—see, for example, *United States* v. *Louisville* (169 *U.S.* 249 (1898); *United States* v. *Price*, 116 U.S. 43 (1885); compare 22 Ops. Att'y Gen. 295 (1902).)

The cases cited clearly demonstrate that the President cannot lawfully disregard a duly enacted law. It could be argued that Congress by statute has authorized the President to exercise discretion as to whether funds appropriated for a particular public works project should be expended or impounded. An examination of the statutory law gives no substance to that argument. There appears to be no statutory authority for the impounding of appropriated funds, except for purposes of economy and efficiency in executing the purposes for which the appropriation is made.

The President cannot dispense with the execution of the laws, under the duty to see that they are executed. To hold otherwise would be to confer upon him a veto power over laws duly passed and enrolled. To accord discretion to a President as to what laws should be enforced and how much, would enable him to interpose a veto retroactively.

Some may say, what can one do to see that the President carries out the Constitution? There have been no suits on recent impounding of funds for defense objectives, such as for the advanced bomber, as far as I know. There may be many reasons for this; but perhaps the most conclusive one has been the lack of standing of one to sue to enforce the Constitution in a particular case. In the matter of the Cross-Florida Barge Canal there may well be such ability to sue however; because not only has the State of Florida entered into expensive contractual arrangements with the Federal Government on this matter, but many local real estate owners have been taxed through the years to contribute the local funds that have been expended in Florida for this canal. The Canal Authority of the State of Florida, the official body for this project in the state, has filed suit in the Federal Court in Jacksonville asking that the President's order be declared to be of no effect, illegal and constitutionally void. Other official governmental bodies involved have also entered this suit, including the Jacksonville Port Authority and perhaps other outside organizations and individuals have joined them by now.

It is sincerely to be hoped that the President will reconsider this matter and at least let the proponents of the canal be heard on the issues, which has not yet been allowed. Particularly, since the evidence is strong that the reasons for the President's action seem to have overlooked the fact that the Oklawaha can be inexpensively bypassed and that no wildlife preservation is in fact achievable by terminating the canal these being the grounds relied upon in the President's press release.

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## HOW NOT TO DEAL WITH YOUTHFUL OFFENDERS

## HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

*Tuesday, June 1, 1971*

Mr. HARTKE. Mr. President, earlier this month my distinguished colleague from Indiana, Senator BIRCH BAYH, held 3 days of hearings in his Subcommittee to Investigate Juvenile Delinquency on the problems associated with justice for youthful offenders. The conditions he uncovered in those hearings must concern and distress us all.

A very cogent and thoughtful analysis of the disclosures of the Bayh hearings has been provided by a fine reporter for Ridder Publications, Mr. Ed Zuckerman. I ask unanimous consent that his article entitled "Juvenile Injustice," which appeared in the Gary, Ind., Post-Tribune of May 8, 1971, be printed in the Extension of Remarks.

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

JUVENILE INJUSTICE

(By Ed Zuckerman)

WASHINGTON.—On three successive mornings this week, Sen. Birch Bayh, D-Ind., learned about the condition of juvenile justice. Witnesses appearing before Bayh's Senate Subcommitee to Investigate Juvenile Delinquency painted a disparaging picture as they wove their testimony into a glaring indictment against juvenile justice practices.

The most chilling testimony came from witnesses who related their experiences with court and probation officials in El Paso, Tex. By comparison, later testimony concerning the condition of juvenile justice in Indiana was tame—but it was of no less consequence than the most sensational aspects described by the El Paso witnesses.

In his testimony, a Texas witness called El Paso probation officer Morris Raley an "incompetent" and cited examples of Raley's blatant excesses performed in the name of justice. Raley had been invited to appear before the subcommittee to defend himself

against the personal attacks but he refused saying he had pneumonia and his doctor would not allow him to travel.

Most of those attending the hearing did not need to listen to Raley, anyway. The night before the hearing, he was interviewed in the National Broadcasting Company documentary entitled "This Child Is Rated X" which took a critical look at juvenile correction institutions. After Several former inmates of El Paso's detention home told their experiences, Raley tried to defend his methods. He was a clear loser in the comparison; he came across the video screen as some kind of Neanderthal thug.

Texas officials refused to allow NBC camera crews inside any youth correction facilities.

Indiana officials, on the other hand, permitted the crew inside their detention schools and allowed interviews with inmates.

The same Indiana officials also appeared before Bayh's subcommittee. And, in a further demonstration of cooperation, they brought along two inmates to help corroborate their contention that "most children have no business being sent to us."

The thrust of their testimony was illustrated by Sharon Rushin, a 17-year-old from Attica who has spent more than a year in the Indiana Girls School, and Sherrill Ness, a 16-year-old from Rochester who has spent almost a year in the Indiana Boys School.

Miss Rushin was sent to the girls school as a result of a curfew violation and because she drank a can of beer.

The violations notwithstanding, her most serious mistake was living in a small town. Had she committed the same infractions in Indianapolis or Gary—where juvenile courts are burdened and priority attention can only be given to the most flagrant crimes—her arrest would have been processed through what is commonly called a "station adjustment." Her parents would have been called to the police station, she would have been given a stern lecture and she would have been sent home. But her violation occurred in a small town where juvenile authorities have nothing more important to do than mete our serious punishment which large city judges would consider a waste of time.

And what about Ness? His problems began with a 75-cent theft which brought him a probationary sentence. Because he was late to school one morning, he was hauled back to court and ultimately sent to the boys school.

In the final analysis, his most serious mistake was committing a crime while still a juvenile. Had he been a few years older, his adulthood would have saved him from a half-year in a detention home. As an adult, the theft wouldn't even have been rated a felony. The most a judge would do to an adult accused of the same crime would be to assess a fine, maybe add in a few days in jail and order restitution.

Who's really to blame for the condition of juvenile justice in Indiana? Before looking for any other reason, perhaps the first-level blame should be assessed against small town juvenile judges such as those who sent Sharon and Sherrill to the correctional schools, their sentencing practices help to overcrowd the school making it impossible for school officials to adequately handle serious offenders. Because of the overcrowding, the school is forced to grant quick paroles in order to make room available for others.

So what do you say to a distressed mother or father who personally feels victimized by the system's fallibility? Do you tell them that the boy who raped their daughter last month is back on the street today because space was needed for a boy who was tardy for school?

The vicious circle can only be halted when judges begin considering juvenile offenders along equal standards. What is serious in Indianapolis should also be serious in Attica—but, by the same token the Attica offender should be treated no more severely than the Indianapolis offender. Once that is realized, everyone would benefit.

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## RESTORATION OF CITIZENSHIP TO GEN. ROBERT E. LEE

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, June 1, 1971*

Mr. BYRD of Virginia. Mr. President, I wish to invite the attention of the Senate to a resolution adopted by the Alabama House of Representatives on April 27, 1971.

This resolution, which speaks of the dedication, compassion, and leadership of Gen. Robert E. Lee, urges the adoption of the joint resolution presently before the Congress which would restore full citizenship to General Lee.

Mr. President, I ask unanimous consent that House Joint Resolution 59 of the Alabama House of Representatives be printed in the Extensions of Remarks.

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

HOUSE JOINT RESOLUTION 59

Whereas, Robert E. Lee was the son of families long prominent in the history of this Nation and in its early development down through succeeding generations; and

Whereas, Robert E. Lee, being a brilliant young graduate of the United States Military Academy, served his country with honor, loyalty and devotion; and

Whereas, when destiny divided this great Nation in the War Between the States, Robert E. Lee remained loyal to his home state, the sovereign State of Virginia, only after making a soul-searching and painful decision as to where his allegiance should lie; and

Whereas, General Robert E. Lee was widely recognized as one of this country's foremost military strategists, an outstanding leader of men and a man of great gentleness and compassion; and

Whereas, after the war, General Lee held no rancor against the Union but devoted his final years to the betterment of life by promoting high ideals and principals of strength through higher education at Washington College in Lexington, Virginia, where he served as that institution's president from 1865 to 1870; and

Whereas, Robert E. Lee so dedicated himself to the strengthening of spirit and purposes of this fine educational institution that its name was later appropriately changed to Washington and Lee University; and

Whereas, Senator Harry Byrd has introduced a resolution in the United States Senate to restore posthumously the citizenship of Robert E. Lee which he lost when he joined the Confederacy; and

Whereas, Robert E. Lee in 1865 had immediately informed General Ulysses S. Grant of his desire to comply with President Andrew Johnson's offer of amnesty as soon as it was extended, and had forwarded his application therefor; and

Whereas, Lee's oath of allegiance duly executed, signed and notarized was to lie buried in the Nation's archives for more than a century after it was given by Secretary of State Seward to a friend as a souvenir; and

Whereas, President Andrew Johnson, on December 25, 1868, issued a proclamation which granted full pardon and amnesty unconditionally and without reservation to all persons who participated in the Civil War; and

Whereas, our distinguished Speaker, G. Sage Lyons, has directly shared in the heritage of Robert E. Lee, having been graduated from that exceptionally fine institution of learning, now therefore,

*Be it resolved by the Legislature of Alabama, both Houses thereof concurring,* That we most earnestly urge the immediate adoption of Senator Byrd's resolution to restore posthumously the citizenship of the great American, Robert E. Lee.

Resolved further, That copies of this resolution be sent to the President of the United States, to the Speaker of the House, Representative Carl Albert of Oklahoma, to Senator Harry F. Byrd and to the Honorable Robert Huntley, President of Washington and Lee University.

I hereby certify that the above resolution was adopted by the Legislature of Alabama April 27, 1971.

JOHN W. PEMBERTON, *Clerk.*

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## WHAT IS WORRYING SMALL BUSINESSMEN

### HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. CHAMBERLAIN. Mr. Speaker, the time is long past for the Congress to take effective action to ease the financial plight of the small businessman in America. More than ever before the small businessman is becoming trapped by a myriad of economic forces—mushrooming tax bills at all levels of government, increasing labor costs, sky-high interest rates and tight money, lagging sales, greater governmental controls and interference, and inflation itself—forces which threaten the economic foundations upon which so much of our stability depends. We are not dealing in the abstract—we are talking about the corner druggist, the local bakery shop owner, the dry cleaner, the automobile dealer, the small contractor—the people who provide the services and the jobs so essential to every community in America, big or small.

As I have pointed out before, in recognition of this problem I have reintroduced legislation (H.R. 3489) which would allow a limited income tax deduction for profits reinvested in a business. This proposal has received the strong endorsement of the National Federation of Independent Business, and would assist our small entrepreneurs who while providing half of the Nation's employment opportunities are presently deprived of the various channels of relief available to big business.

Because of the urgency of this problem and to call it to the special attention of my colleagues in the House, I include in the RECORD a cogent article from the May 31, 1971, issue of U.S. News & World Report, which reviews the problem in the

clearest of terms and underlines the pressing need for corrective action:

WHAT IS WORRYING SMALL BUSINESSMEN

WASHINGTON.—Small businessmen who gathered here to discuss their problems feel they are being squeezed more and more by forces over which they have no control.

Inflation.

Scarcity of reliable labor in an era of unemployment.

High and rising taxes.

High and rising wages.

The mounting burden of governmentally generated paper work.

Tactics of big business and big labor.

Inability to convince men in high places that these problems are both real and urgent.

The Federal Government reports that there are about 5,275,000 small businesses. The official definition of "small" varies widely, depending on the line or type of activity. But the total amounts to 95 per cent of all business concerns in the U.S. The chart on this page puts the role of small business in perspective.

Some 1,500 men and women from these firms met on May 17–19 under the sponsorship of the National Federation of Independent Business.

In talks with staff members of "U.S. News & World Report," these businessmen detailed some of their thinking.

One common theme was the need to present a united front.

"We cannot fragment," said Bob Hayward, who owns a pharmacy in Royal Oak, Mich. "Our biggest single problem may be to present a single voice on our own behalf. Independent businessmen have to hang together or we can't continue to exist."

Clarence E. Peters of the Haynes Milling Company, Portland, Ind., put it this way:

"Even though there are so many of us, we feel we are a minority group. We want to be heard in legislative quarters."

"LOST IN THE CROWD"

Robert E. Henry, who heads R. E. Henry General Contractors in San Antonio, Tex., said he doesn't feel purposely ignored by his congressional representatives, "but they are under so much pressure from other factors—big business and big labor—that our voice gets lost in the crowd."

Big business, almost as much as the Government, was a target for the grumbling of the independent operators.

Said Marshall Brewster, whose Brewster Foods is a food processor at Reseda, in California's San Fernando Valley: "For his own self-preservation, the small businessman—more than ever before—must form a good strong alliance against big business, to prevent being swallowed up by big business."

Ernest L. Gibson of Gibson's Pharmacy, Oroville, Calif., made these comments on the problem:

"With money hard to come by, our competitive position is deteriorating. Looking at the business climate from the small operator's point of view, our days are getting shorter because of mergers. Larger firms are taking over."

Most of the small businessmen who came to Washington said they were currently prospering, with trade, in many instances, better than they had expected. They also admitted many who stayed home were in less fortunate circumstances. And collectively they worried about the future.

William L. Humphreys, of Northern Neck Office Equipment, Inc., Kilmarnock, Va., said his profits were up. But he added:

"My chief concern is inflation. We have to pay more for merchandise and more for freight and more for taxes and more for labor and more for delivery. So we have to do more business just to maintain the same amount of profit."

"MORE EXEMPTIONS"

Taxes, for these men, are an ever-present problem.

"Taxes have gone up so much," said Carl Preer Hinson, who runs a women's specialty shop in Plant City, Fla., "that by now the small businessman barely gets by, since all that comes out of your profits. We need more exemptions, or something, so that we have more money to operate on."

Along with others, Mr. Hinson viewed with alarm the continuing rise in Social Security taxes. "I go along with the idea," he said, "but we still have to carry half the load."

And Mr. Peters of Portland, Ind., said of Social Security: "The costs are snowballing so much faster than was ever anticipated that they are becoming burdensome for the small employer."

It is not only the amount of taxes that concerns many of these men, but the paper work that goes with them.

"The terrific load of tax reports we have to fill out is our biggest burden," commented Willis Bucher, who operates B&L Auto Service in a suburb of Toledo, Ohio. "Ten years ago we were probably making out half the tax reports we do for the same number of employes today."

Frank Zacchera of Suburban Sanitation Service, Avon, Conn., said he feels that big business gets a better tax break than he does, in part because "I can't afford to hire a full-time tax man; if I could, I'd probably get a better shake."

Government-inspired paper work received constant criticism. This report came from Ernest R. Schofield of the Regional Construction Company, Sudbury, Mass.:

"We do a lot of Government contract work. I have two people in my office doing nothing but Government reports. And since my firm does less than a million dollars a year in busines, you can see how bad it is."

Milton M. Kinate of Forrest Milk Products, Forrest, Ill., said, "There is so much that we don't have the personnel to handle it." He added: "Paper work seems to drown many small business people."

And George C. Bates, who operates the Bremerton Business College, Bremerton, Wash., noted: "It takes so much time to handle the forms required by the federal and State governments that the cost to the public must be higher because of it."

Earl Allen, Jr., of Allen Realty, Minot, N.D., estimated that paper work had swelled 800 per cent in the 25 years he has been in business and said, "Somehow, we have to get this thing turned around."

Welfare programs, unemployment compensation and proposals to raise the minimum wage—Congress is considering a hike from $1.60 hourly to $2—all came in for a share of criticism.

"I CAN'T GET PEOPLE"

Mr. Henry, the San Antonio contractor, observed:

"With all of this unemployment we're supposed to be having, it's awfully hard to hire people to work. The Government is making it very easy not to work, what with welfare, food stamps and the other giveaway programs. People just drop out of the work force. I certainly can't get people at the minimum wage."

Floyd O. Crawford, the owner of Crawford's Enterprises, a petroleum-maintenance and construction firm based in Baton Rouge, La., said, "I can't get people to work for me at any price, and this includes laborers and all kinds of workers." He continued:

"I have crews working in four different States. Each job takes maybe a week to two weeks. When we go into an area we try to hire local people, if possible. But when they hear how short a period, they aren't interested. The shortness of it upsets their unemployment compensation or their welfare payments."

Vernon C. Cox of A. F. Speed Company, painting subcontractors in Birmingham, Ala., complained of what he called "compulsory Government" and said, "I need the latitude to employ people who can perform at a price I can afford."

August Koch of Dundalk Florist, Baltimore, Md., said an increase in the minimum wage will boost his payroll by $23,000 a year.

Charles Appling, Calvert Coal Company, Pikesville, Md., maintained that "wages now aren't realistic with potential productivity."

"WE CAN'T AFFORD IT"

John R. Klee, who operates the Automatic Rug Cleaning Company, Inc., in Rochester, N.Y., said:

"Wages should depend on production. A lot of people—older people, handicapped people, kids—should have jobs today, but we can't afford it."

For some of the businessmen discussing minimum wages, it was the principle, rather than the amount, that was of most concern.

Normon E. Hornsby, a wholesale distributor of auto parts in Alexander City, Ala., put it this way:

"An increase wouldn't affect me too much, because I already pay above the minimum. But I'm against the Government saying I have to pay that wage."

SHARED PROBLEMS

The Washington conference made no effort to reach a consensus. Nor did it follow the usual convention pattern of adopting sources of resolutions.

But the businessmen and women who attended learned one thing without question: Whatever their own problem, there are many others who share it.

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## BADILLO BACKS BLACK CAUCUS PROGRAM

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BADILLO. Mr. Speaker, I wish to call the attention of my colleagues to the recent statement by the distinguished gentleman from Michigan (Mr. DIGGS) on behalf of the congressional black caucus in response to President Nixon's apologia for his administration's failure to deal with problems facing black Americans, the poor and the young.

The black caucus has done the U.S. Congress and the American people a great service by challenging the administration to respond to the highly innovative and far-reaching set of recommendations it presented to the President on March 25. The barrenness and banality of the 100-odd page recitation of past promises and present nonpolicies provides conclusive evidence that Mr. Nixon and his appointees do not intend to take any new or effective action in this field.

The administration claims to be concerned about job opportunities, yet unemployment in the inner city soars even while the administration opposed legis-

lation creating a new program of public service jobs and its leaders in the House form an alliance with southern conservatives to emasculate a bill giving the Equal Employment Opportunity Commission cease-and-desist powers.

The administration claims to be concerned about poverty and welfare, but its family assistance plan is so inadequate as to be merely a caricature of real welfare reform. The administration's opposition to increasing the minimum wage to $2 or $2.25 an hour this year and its ill-disguised attempt to kill the VISTA program put all the brave rhetoric in a different prespective.

Rhetoric, too, is all we have from the administration when it comes to school desegregation. Its emergency school aid bill is little more than a $1.5 billion bribe to induce southern school districts to undertake what the courts have already ordered. I challenge the President to back up the charge of hypocrisy he leveled at the North from the safety of an Alabama speech platform. I challenge him to ask Congress to enact legislation Senator RIBICOFF and I have introduced to achieve school integration nationally.

The statement by the black caucus makes a very telling and very chilling point: This administration does not even understand the critical problems facing minorities in this country much less have the resolution to design and implement the sweeping and costly reform program that is needed to solve these problems. We cannot hope to progress in this field until the decisionmakers downtown come into the 20th century.

It is inconceivable to me, Mr. Speaker, how this administration can continue to be so unresponsive on issues of such major importance. President Nixon seems to be pursuing a calculated policy of massive resistance to using the power of the Federal Government to improve the lot of minority groups in the country.

I commend and congratulate the black caucus for forcing the administration to go on record on policy questions it so dearly wants to avoid as it courts the South and the suburbs in preparation for 1972. But the groups that are now being overlooked are growing daily in political consciousness and unity. They will constitute a powerful, aroused, and demanding voting bloc in 1972 if something is not done soon.

I pledge to work with my colleagues in the black caucus to enact the constructive proposals already put forward and to cooperate with them in formulating legislative programs to attack other pressing problems now being ignored. Our most important mission is to fill the vacuum left by the present administration until new leadership more attuned to the needs and aspirations of the mass of the people can be raised to positions of power in 1972. I know that Members of both political parties motivated by principle and not partisanship will join with us.

I urge all my colleagues in the Congress to read very carefully the thoughtful statement by the black caucus which I insert in the RECORD at this point:

MAY 24, 1971.

Representative CHARLES C. DIGGS, Jr.,
*Chairman, The Congressional Black Caucus, Washington, D.C.:*

Expressing "deep disappointment" generally with President Nixon's reply to their recommendations of March 25, the Congressional Black Caucus charged today that the Nixon Administration lacks a sense of understanding, urgency, and commitment in dealing with the critical problems facing Black Americans, the poor and the young.

In responding to the President's report, which was released last Wednesday, the Black Caucus said, "We were initially heartened by the evidence offered by the report itself that the President had taken our March 25th meeting with him sufficiently serious enough to respond to our concerns. But in reality (the President's) document constitutes less a response than a reply, couched predominately in the form of bureaucratic reports intent on justifying the status quo."

The Black Caucus went on to say, "Time and again, throughout the 100-odd pages, the Administration has shut off the possibility of new and, we believe, promising initiatives. Too often it proposes no genuine alternatives at all. Instead, government officials have devised tortuous and sometimes disingenuous explanations for shortcomings of existing policies and programs affecting minorities, the poor and the cities."

Although disappointed with the President's response in general, the Black Caucus said there were "some indications of forward movement" in the President's report. These "indications" include, the Caucus said, the President's request for an extra $64.3 million to put disadvantaged teenagers to work, the Administraton's declared intention to request an additional $15 million for Black colleges and universities for fiscal year 1972, and the Administration's response to the recommendations made by the Black Caucus on the drug crisis.

However, the Black Caucus concluded in its report that, "The predominate thrust of the Administration's reply places one central fact in harsh perspective: National decisionmakers do not define the critical problems facing Blacks, the poor, our youth and our nation in ways which may result in their resolution and are not yet prepared to commit the necessary power and resources to achieve their own stated goals."

In touching upon its future course of action, the Caucus said, "We intend to go forward resolutely in seeking implementation of the recommendations we have already made and in formulating and seeking action on others which we and others will be able to advance more precisely in the months ahead."

Asserting that they would not be obscured "by partisan blinders where the interests of our constituencies and our ability to serve them effectively are concerned, the Caucus said they have held meetings with the House Democratic and Republican leadership and are scheduled for a meeting with the Senate Republican leadership to discuss their legislative recommendations.

The Caucus response said that they have not begun shaping issues and strategies for 1972, but stated, "Standing on the threshold of this summer and what may be for many families a bleak winter beyond, we cannot permit ourselves the luxury of thinking and acting only in terms of 1972. If the country does some of the things it should and must, we would hope to have a less polarized and less inequitably balanced society by 1972—as well as some significant increase in the membership of the Congressional Black Caucus."

The Caucus warned that "the days of taking Black and poor voters for granted is over." The Black lawmakers stressed that "the legislative and executive branches of government particularly must be more accountable to the most neglected of our citizens than they have been in the past. As elected officials, we expect to be held no less accountable."

Calling upon the organizations and leaders of Black and other minorities to join them "in making the country and its political leaders aware that a new political and social consciousness is beginning to stir in the land," the Black Congressmen said they hope to effect coalitions of interest with those who share their deepest concerns.

In its report, the Black Caucus described the following areas of substantial disagreement with the President's response: Revenue Sharing, Housing, Employment, Welfare Reform and Civil Rights.

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## DOUBLE-STANDARD TRADE POLICY

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## HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, June 1, 1971*

Mr. BYRD of Virginia. Mr. President, the May 8 edition of the Canton, Ohio, Repository included an excellent editorial on the subject of U.S. trade policy toward Rhodesia.

The United States has in effect a ban on all trade with Rhodesia. I have introduced legislation, S. 1404 which would remove the prohibition against importation of chrome ore, a strategic commodity from Rhodesia.

I ask unanimous consent that the text of the editorial, "Double-Standard Trade Policy," be printed in the Extensions of Remarks.

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

DOUBLE-STANDARD TRADE POLICY

On President Nixon's trip to Romania some time ago he spoke in favor of trade with this Communist country, despite our philosophical differences. He further pointed out that the United States has no intention of interfering in the domestic policy of other countries.

When we look at our policy toward Rhodesia, it would appear that our diplomacy operates on a double standard. Despite the recognition that chromium is vital to national defense, the United States elects to pay twice the price formerly paid and at the same time rely on the Russians for a strategic material.

A bill has recently been introduced in the Senate by Sen. Byrd of Virginia to amend the United Nations Participation Act of 1945 by preventing the President from imposing sanctions involving strategic and critical materials against any free world country as long as like material is being imported from any Communist country.

In 1970 the United States imported 3 million tons of chromium ore, this product being the principal Soviet export item to this country.

In addition to our reliance on our natural adversary for chromium, the price of this metal, some of which is allegedly mined in Rhodesia, was increased from $30 to $50 a ton.

It is high time that the United States fol-

lows a policy of self-interest rather than being led by the nose by the United Nations.

## SCARCITY OF SUMMER JOBS ADDS TO UNEMPLOYMENT PROBLEM

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. CARTER. Mr. Speaker, efforts to ease the unemployment problem in our Nation today will suffer additional setbacks as more and more young people leave school for the summer.

During the coming months, these young people will be looking for employment which, in many instances, they must find if they are to continue their education. I believe it is essential that we provide employment for high school and college students.

We should also emphasize more than ever job training and job placement for Vietnam veterans. I trust that more effort will be made toward providing job opportunities for all of our young people.

I include this article from the Louisville Courier-Journal for consideration:

THE SCARCITY OF SUMMER WORK: AN ILL WIND FOR KIDS AND CITIES

When family men are being laid off in mid-career and brand new PhDs are walking from the commencement line directly into the unemployment line, news that teenagers can't find summer jobs is the stuff yawns are made of. You might as well put banner headlines on the weather forecast.

But, as flood and hurricane victims know, weather forecasts sometimes portend ominous things. And so can job forecasts.

After the riotous summer of 1967, when more than 100 American cities suffered outbreaks of violence and burning, city officials and ghetto-dwellers alike cited the absence of employment opportunity for their children as a major cause. A year later, Louisville endured a three-day ordeal of civil disorder. One cause: too many idle, bored youths standing on street corners to nowhere.

This is not to suggest that every out-of-work teen-ager is a brick-thrower or that the disorders wouldn't have occurred if all the kids had been working. The complaints and their causes during those years were myriad. But thousands of idle young thrown for the summer onto the streets that are restless all year anyway . . . It's a straw to strain the back of the hardiest camel. It's a catalyst which, unlike its chemical counterpart, becomes part and parcel of the volatile mixture it enters.

Within another 11 days Louisville and Jefferson County schools will have dismissed 100,000 job-seeking teen-agers for the summer. The Rev. Charles Roppel, executive director of the Louisville-Jefferson County Youth Commission, estimates that 20,000 of these young people are from low-income families and need jobs to stay in school or to "make any kind of positive contribution to the community." And 20,000 is the number of wage-paying jobs that the various youth employment agencies expect to materialize in the area. It's unlikely that needy youths will get them all.

OUTLOOK GROWS BLEAKER

Even among those whose problem is idleness, not money, the competition is keen. Local hospitals, camps and agencies that employ volunteers are finding more potential helpers than they can use.

It's a national problem, and not a new one. Last summer, the youth unemployment rate was 15.7 per cent, compared to 12.8 per cent in 1969. In January, it was 17.8 per cent, compared to 13.6 per cent in January 1970. And for non-white youths, it was 31.7 per cent, compared with 16.2 per cent among whites. The Bureau of Labor Statistics says these figures understate the problem because hundreds of thousands of young people were discouraged from even seeking work by the bleak job outlook.

The Bureau also predicts that the unemployment rate will be at least as high this summer as last summer, probably higher. The National Alliance of Businessmen, a joint effort by private business and the government to hire the poor, set a goal of 200,000 jobs last year and found 142,000. This year, its goal is 150,000, and a spokesman says it'll be lucky to find 100,000, because of adult demands for jobs.

Government's attitude toward these bitter facts has been particularly discouraging. In March and April, urban coalition leaders and mayors of the nation's largest cities met with President Nixon to warn him that the total effect of the economic slowdown, revenue shortages by local governments and unemployment "have created an extremely volatile climate in our cities." Senator Jacob Javits and 13 other senators asked Mr. Nixon to request $144 million extra to supplement the $164 million already appropriated for the Neighborhood Youth Corps summer-job program. But Mr. Nixon requested only $64 million extra—for an additional 100,000 NYC jobs—and even that hasn't yet been passed by Congress.

WHERE IS THE MONEY?

Mr. Nixon also disbanded the President's Council on Youth Opportunities, which had been effective in spurring the federal agencies and city-wide job coordinators to make more openings available. Also, there's less government money available this year to provide transportation for those youths who are lucky enough to land jobs.

There's no scarcity of work to be done. There are rats to be killed, drainage ditches to be cleared. City parks are littered faster than regular work crews can clean them. Ditto state parks. Ditto national parks. Ditto streets and roadsides. But the money is scarce, unless you want to fight a war or build an airplane.

He who has raised the bed pan to such glorious heights in his rhetoric about welfare should now lead our Congress and our local governments in a conscientious search for bed pans, for there are many who are willing to carry them. And those who constantly urge our young to "work within the system" should try harder to find, or create, places for them within that system.

## CONGRATULATIONS TO THE PRESIDENT FOR HIS CONTINUED LEADERSHIP IN SUPPORT OF THE ARTS

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. HUNGATE. Mr. Speaker, I congratulate the President on continued leadership in support of the arts. I understand that he has requested that the appropriation for the coming fiscal year be doubled and it should be noted that the current fiscal year's appropriation represents a doubling of the previous year's appropriation.

I urge the Congress to back the President wholeheartedly on this issue and call attention to the following item from the Associated Press wire:

WASHINGTON.—Spokesmen for the Nixon administration said today the White House is firmly committed to Federal support of the arts and will step up its efforts in the field.

"The administration is going to firmly and continuously back these programs," said Miss Nancy Hanks, chairman of the National Endowment for the Arts. She forecast "a slow change that is going to be dramatic in its effects."

Miss Hanks spoke at a news briefing attended also by a White House staff member who specified that his name not be used.

"The President has made known to officials having responsibility in the area his very deep conviction of the role of artists and artistic institutions in the national life," this man said.

It was announced that President Nixon will speak tomorrow at the annual convention of the associated councils of the arts, a New York based organization whose members include members of State and local arts councils and other organizations in the field.

The White House source said that, as far as he knows, this is "the first time a president has gone out of the White House to speak of the state of the arts." He said the tentative decision to do so was made at a conference in early April at which Nixon spoke of the coming years leading up to the Nation's bicentennial as "an unparalleled and critically important opportunity to revive the national spirit."

Nixon has asked Congress to appropriate $30 million in the fiscal year beginning July 1 for arts endowment grants to organizations and individuals in the fine and performing arts. That is double the amount voted this year, which itself was double that available the year before.

## LEST WE FORGET

### HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention.

The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

I insert the name of one of the captured:

Lt. Comdr. John George Graf, U.S. Navy, 181318, Kaneohe, Oahu, Hawaii. Married. Officially listed as a prisoner November 15, 1969. As of today, Lieuten-

ant Commander Graf has been held captive in Southeast Asia for 563 days.

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## THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

### HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. CONABLE. Mr. Speaker, among the myths that have been overnourished in our congressional environment is the mistaken view that we can take our social security system for granted, continuing to give indiscriminate and unplanned benefit increases without accountability to the taxpaying workingman. The social security system is a cornerstone in the retirement plans of more than 70 million Americans, and its soundness of predictability must be protected from the inevitable reaction from aroused wage earners if it is not wisely administered. The payroll tax is regressive, and it needs our attention and study before the growing pressures on it lead us to foolish steps destructive to the credibility of Government and the confidence of the workingman. I am submitting herewith a thoughtful analysis of tax policies and tax politics by David Broder, in a recent Washington Post article, which I believe merits the attention of all my colleagues, and of the Nation as a whole:

DEAFENING SILENCE FROM THE POLITICIANS—THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

(By David S. Broder)

Among the many publicly unexplored issues buried in H.R. 1, the welfare reform and social security bill devised by Chairman Wilbur Mills (D-Ark.) and the House Ways and Means Committee, is a tax increase on middle-income families that will almost double the size of the second-biggest bite on their paychecks in the next six years.

Under the bill, the Social Security tax rate will rise in three steps from the present 5.2 per cent to 7.4 per cent in 1977. The wage base for Social Security taxes will increase from the present $7,800 to $10,200 next year, with the result that the payroll tax for a man making a bit less than $200 a week will rise from $405 to $755 a year.

By contrast, that same autoworker, supporting a wife and two children and taking only his standard deductions, will have an income tax bill of $1052 this year, decreasing to $995 with next year's scheduled income tax reductions.

What this example indicates is that payroll taxes are becoming an increasingly important part of our revenue system—yet one which has largely escaped debate, either in political campaigns or in the tax-writing Ways and Means Committee.

Unbeknownst to most Americans, payroll taxes now constitute the second largest source of federal funds—and the fastest-growing. Payroll taxes provide more income to the treasury than corporate income taxes or any other federal taxes except the individual income tax. And the 1972 budget estimates that between last year and next, payroll taxes alone will rise $12.3 billion, while individual and corporate income taxes combined will grow by only $7.2 billion.

What this means is that we are becoming increasingly dependent for federal finances on the payroll tax, a tax that is not progressive, that has little relationship to ability to pay, and whose burden hits hardest on low-and-middle-income wage-earners.

That this can happen without a murmur of debate or political controversy indicates just how insensitive to real pocketbook issues the Washington politicians have become, particularly those Democrats who control Congress and parade as the champions of the average man.

The impact of payroll taxation has been amply documented in the studies of such Brookings Institution specialists as Alice M. Rivlin and Joseph A. Pechman. It appears also in the report of the administration's advisory council on social security. But it is almost as if there were a conspiracy of silence by politicians to keep the taxpayers and the voters unaware of these issues.

In part, the Brookings studies suggest, the social security tax system has been protected from debate by two carefully cultivated myths. One is the notion that it is a "social insurance" system, in which an individual's contributions (taxes) are held in trust for him and returned, with interest, as retirement benefits.

In fact, it is not. It is, rather, a system of transfer payments to currently retired people, financed almost entirely by taxes on the working generation. There is nothing wrong with this, in principle, but it is not what people think it is.

The second myth is that the employer pays half the social security tax. In a literal sense, he does, but, as the Brookings studies demonstrate, the whole tax really falls on wages and the wage-earner, because the amount the employer pays in social security taxes he would otherwise be putting into the paycheck.

This is worth emphasizing. When the Social Security system began 35 years ago, the tax rate was one per cent each on employee and employer on the first $3,000 of annual earnings. With the new bill, the combined rate rises to almost 15 per cent of the payroll on wages up to the $10,000 level.

That tax is levied regardless of the number of dependents or legitimate deductions the earner has. It gives no real consideration to his ability to pay.

This year, as the Brookings analysts have noted, a family with a husband earning $7,000 and a wife earning $5,000 will pay $624 in payroll taxes (5.2 per cent). A family with the identical income from one wage earner would be taxed only $405.60 (3.4 per cent.

That is one inequity. Another is pointed up in the advisory council study. When the social security system began in the 1930s, the $3,000 wage base included all the earnings of all but three per cent of the workers. The wage tax, in those days, was, in effect, the same tax on everyone.

But in recent years, Mills and his committee have been reluctant to push the wage-base ceiling up as fast as inflation and earnings have increased. Today, somewhere between 20 and 25 per cent of the wage-earners make more than the wage-base limit. These well-off workers get a real break on social security taxes. A $23,400-a-year man, for example, gets just as big retirement benefits as a $7,800-a-year-man, but the effective payroll tax rate on his income is just one-third of the lower-salaried man's.

There are ways in which these inequities could be remedied. Proposals have been made for years to shift a portion of social security financing onto the progressive income tax and off the regressive payroll tax.

Without going that far, there could be a system of deductions or income tax credits that would help the low-income wage earner who now is hit hardest by payroll taxes. But Congress, under Democratic control, has done exactly the opposite in recent years, cutting income taxes and raising payroll taxes, and thereby making the whole federal tax system more regressive. According to participants in this year's Ways and Means sessions, the question of social security taxes did not receive any extended discussion. If Mills is successful, as usual, in obtaining a closed rule for the bill, there will be no meaningful opportunity for presenting amendments to it on the House floor.

This example—and it is only one of many—suggests the price that is being paid for letting vital questions of economic policy be settled in the politically insulated, tightly controlled environment of the Ways and Means Committee's closed sessions. Too many members of Congress have become accustomed to letting Wilbur Mills do their thinking and decision-making on difficult questions.

But it also indicates something else: the peculiar insensitivity of the leading Democratic politicians, including the presidential aspirants, to the economic issues. Discussing the inequities of payroll taxing may not attract as much praise at Georgetown cocktail parties as a ringing denunciation of the bombing in Laos or the tactics of the Washington police. A candidate who took a serious look at our tax system might even suffer a sudden shortage of campaign contributors. But there are issues that can be raised, wrongs that can be righted, and votes that can be earned by the politician who will deign to consider matters that matter to wage-earners.

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## PELLY QUESTIONNAIRE

### HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. PELLY. Mr. Speaker, my staff has just completed a tabulation of more than 20,000 responses which I received from 166,000 questionnaires sent to each of the 166,000 postal patrons in the First Congressional District of Washington State, which I have the honor to represent.

The results of the replies to this questionnaire follow:

1. Do you approve or disapprove of the way Richard Nixon is handling his job as President? Approve, 53.52 percent; disapprove, 43.55 percent; no opinion, 2.93 percent.

2. Do you approve or disapprove of the way President Nixon is handling the Vietnam situation? Approve, 55.36 percent; disapprove, 43.53 percent; no opinion, 1.11 percent.

3. A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you favor the withdrawal of all U.S. troops by the end of 1971 instead of backing the President's withdrawal schedule? Yes, 44.98 percent; no, 53.54 percent; no opinion, 1.48 percent.

Mr. Speaker, with the answers to these three questions came a great many comments of my constituents on other issues, and from additional views, I obtained a rather comprehensive idea of the people I represent. There were many expressions of appreciation for the op-

portunity to communicate with me; and likewise, I was grateful to large numbers of individuals who took the time and trouble to give me the benefit of their views.

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## ADDRESS OF SECRETARY OF COMMERCE MAURICE H. STANS

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## HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BYRNES of Wisconsin. Mr. Speaker, at this point in the RECORD I include the remarks made yesterday by Secretary of Commerce Maurice H. Stans, before the 40th annual Conference of the International Wool Textile Organization:

ADDRESS BY HON. MAURICE H. STANS

May I first say that I am doubly pleased by this opportunity today to open the 40th Annual Conference of the International Wool Textile Organization.

First, it is a great honor to bring you the greetings of the President of the United States, who extends to you his best wishes that your meetings will be pleasant and fruitful.

Second, it is a great pleasure personally for me to welcome you officially to Washington, and to thank you for the hospitality which many of your countries have extended to me.

We are always especially pleased to greet our visitors from other nations—and we invite you to see and enjoy as much as possible of our capital city and this country during your time with us.

SUBJECTS

Wool is one of those few commodities that has been common to most of mankind throughout most of history, and I know this Organization has served your industry and your countries and your customers exceedingly well over these past 40 years.

At the outset, however, I must disclaim any significant knowledge of the international wool industry or its problems today, so in these remarks I will not attempt to offer a preview of the course of your meeting.

Instead, it seems more appropriate that I should address you on a broad scale. So I propose to review for you two significant subjects that will be of general interest to you—first, the state of the U.S. economy; and second, the evolving United States position in world trade.

Both of these are matters in which all of our countries have a common interest.

U.S. ECONOMY

Concerning the condition of our American economy, let me reassure you. It is strong and healthy. The fiscal and monetary policies which President Nixon has pursued very carefully and diligently are restoring the nation's steady economic growth, which was seriously imperiled by national policies that prevailed throughout much of the 1960's.

As a result of the President's expansionary program, the evidence is now clear that the slowdown of 1970 has given way to a major upswing in 1971.

The composite index of leading business indicators has now risen for six straight months in a row.

Personal income is at an all-time high.

The Gross National Product reached a record level in the first quarter.

Housing starts are up substantially, and this is helping other industries as well.

Retail sales are moving up.

Credit is available at lower interest rates.

Stock market prices are 42 percent above the level of a year ago.

Businessmen are increasing their capital spending.

Meanwhile, the rate of inflation has dropped substantially, with the increase in our consumer prices down from a rate of about 7 percent in early 1969 to around 3 percent today.

Significantly reducing the rate of inflation will be of great help to us in improving our balance of payments position, and this is a matter to which we are addressing serious attention.

So all of these indications give clear, firm evidence that we are well underway with a healthy, sustainable economic expansion. The slowing process last year was deliberate in order to bring inflation under control, and the United States will soon have its domestic affairs in order.

TURNING POINT

Now for our trade policies:

Against that economic background, you are holding your first meeting here in Washington at a very significant time in the history of world trade:

The Common Market stands on the brink of unprecedented expansion as the world's largest trading bloc;

Japan has achieved such phenomenal success that she is now the third largest economy of the world.

The United States, no longer the only world superpower, finds its market position seriously deteriorating.

Faced by these facts, the United States is in the process of making some fundamental reappraisals of its trade policies.

Today, in reviewing these conditions I would like to deviate from the usual course by giving you, first, my conclusions on what these circumstances portend for all of us, and then come back to some of the specific issues involved.

U.S. POSITION

For its part, the United States will continue to be governed in world trade by our fundamental commitment to the principles of fair and open commerce.

Ours is the freest and most open market in the world. There are fewer restrictions on selling or investing here than anywhere else on earth.

The United States is not going to withdraw from the international economy into the discredited shell of economic isolationism.

No country which seeks fair and reciprocal trade policies among the world's trading nations, as we do, could believe that trade is a one-way street.

No country committed to removing nontariff barriers around the world, as we are, could expect to live behind its own barricades at the borders.

No country engaged in export expansion, as we are, could abandon the highways of international commerce.

We need access to overseas markets just as other nations need access to ours. There is no such thing as "going it alone" in the interdependent world of today.

SIX POINTS

Having cited these six points about our own commitment and our own philosophy, let me suggest an equal number—equally valid—for other nations of the world to consider:

First, none of the countries or blocs of nations hoping to profit in today's trade world can hide behind fortified protectionist positions. We cannot have open world commerce among closed blocs of nations.

Second, the United States cannot be expected to practice open trade and free investment unless other nations do the same. The rules of international commerce must be fairly applied by all countries.

Third, American goods cannot be foreclosed from foreign markets by the deliberate discriminations of other countries, at a time when they are growing in competitive ability while our own relative position is declining.

Fourth, the cooperation of all nations must accelerate in the common effort to bring down the non-tariff barriers to trade which blockade so many avenues of international commerce.

Fifth, we need to reconsider the role of the GATT in international commerce, seeking both a strengthening of its rules and greater adherence to them by all member nations.

Sixth, the only way to achieve freer trade is through fair trade under true reciprocity.

THREE PROPOSALS

For its part, the United States is taking several significant steps to fulfill the six points of its commitment.

Two years ago I first called upon our major trading allies to join us in a renewed commitment to the four freedoms of economic cooperation—freedom to travel, freedom to trade, freedom to invest, and freedom to exchange technology.

Toward the fulfillment of those ideals I have proposed that we deal with the problems of non-tariff barriers on the basis of an "Open Table" principle, examining them together and openly in the same reciprocal manner as was done so effectively with tariffs in 1962. This means that all conditions affecting trade, written and unwritten, must be brought into the open and dealt with under reciprocal principles.

It is gratifying to report that some progress is being made in this direction—but it is frustratingly slow and incomplete.

More recently I have proposed that other countries and we begin to look ahead to an international agreement to assure the free flow of investment capital across the borders of the world, and to guarantee that the rules governing the use of capital and its earnings not be changed after it has gone to work in any country.

PRESIDENT'S ACTIONS

Beyond these proposals, President Nixon has taken several specific actions—and has proposed more—to achieve freer trade for all of us, in a context of fairer trade conditions for the United States:

He appointed the Williams Commission more than a year ago to make a thorough study of U.S. trade policies and programs; it will soon report its findings and recommendations.

The President recently created a new Council on International Economic Policy to devise long-term policies and programs, recognizing at the White House level for the first time in our history that matters of international commerce and finance must rank along with domestic concerns, diplomatic considerations and military interests as matters of the highest national priority.

Toward the expansion of two-way trade he has committed the United States to the concept of tariff preferences for the developing nations; and he has asked the Congress for authority to negotiate limited tariff reductions in other circumstances.

He has liberalized our trade with Eastern Europe, and has taken an historic initiative toward the same goal with Mainland China.

He has encouraged the most successful export expansion program in American history, and his request for expanded export credit is moving well through the Congress.

Finally, the President has proposed competitive tax incentives for American industry, and his Administration seeks a review of our anti-trust policies insofar as they limit or affect our position in the trading world of today.

TEXTILE PROBLEM

Beyond all of these steps, which we are able to pursue internally, there are three fundamental issues of concern to us involving our economic relations with other nations of the world.

Foremost of interest to you is the matter of how the United States will resolve the growing problem of textile imports.

This problem is particularly acute for the American wool textile industry. Imports now account for 28 percent of the total U.S. market for wool products—wool textile output in this country has declined 25 percent in the last year alone—and this is now truly a depressed industry.

The impact of imports on the textile and apparel industry as a whole has been severe: Over 100,000 jobs were lost in the last year, and 549 plants closed in the past two years. Imports of man-made fiber products from Japan alone were up 77 percent in the first four months of this year.

In the absence of international agreements to deal with this problem, President Nixon stated last March that he strongly supports the moderate textile legislation now pending before Congress.

In view of the growth of imports and the damage done to American industry and employment, a solution to this very vexing problem with which we have wrestled for the past two and one-half years is essential.

DISCRIMINATIONS

As the second matter of deep concern to us, we are troubled over the many non-tariff barriers to commerce that have been constructed across borders throughout the world.

In one way or another, American business and American products have been placed in competitive jeopardy over the past decade or less by a wide variety of unpublished regulations, administrative rules, tax discriminations, import restrictions, export subsidies and preferential trading agreements.

Using these discriminations, some of our major trading partners are continuing to do business in violation of the rules of the GATT.

Some of the rules of international trade are not being fairly applied by all the trading nations of the world.

We have been expected to put up with restrictions on American products and investments which others do not want us to impose upon them.

We do not seek special advantages from nations with which we do business. But we do seek and expect the end of these barricades to fair competition, so that our two-way trade with the rest of the world may continue to expand.

INVESTMENTS

Third, we have a deepening concern for the growing insecurity that faces investment capital in many parts of the world as it flows across the boundaries of nations.

This is not a concern of the United States alone. Hostile attitudes toward investments affect all the nations that permit their capital to be invested abroad, and they jeopardize the future of every developing country that needs more capital than it can create domestically.

The Department of Commerce recently completed a study which shows that in the year 1970 there were some 200 actions by foreign governments that were contrary to the interests of American and other businesses in their countries, mostly in the field of investment.

Certainly, this is not conducive to a healthy economic atmosphere throughout the world. Capital will go where it is welcome, where it is secure, and where there is the least danger—the least restraint—on investments and earnings.

In many of the countries where foreign investments have been most severely jeopardized, the need for capital is greatest. Some will not be able to generate internally as much as half of their own capital needs to meet the goals and aspirations of their own people.

They cannot hope to rise out of need into the family of productive nations if they impose undue restrictions on the investments they must have, or if they change the rules under which capital operates once it has been brought in.

On the other hand, some brilliant examples of success are beginning to appear in countries where capital has been treated safely, where it has been welcomed without notable restrictions, and where it has not been subject to change in the rules of the game.

The fundamental point to be recognized by every country—investor and invested—is this:

In today's world there is really no longer any such thing as "foreign capital." Capital from any one country, put to work in another, accompanied by technology and productivity, immediately becomes local capital. It produces local products, it employs local people, it pays local taxes, and it generates new local capital. That is how progress is created.

The United States has known this fact, and has benefited from it, from its very beginning. Capital from other countries created the foundations of this nation's amazing prosperity, and it has never been restricted. Even today we encourage others to invest here and others are doing so, with complete freedom to repatriate capital and earnings at all times.

This is the climate we hope will be achieved in all the world, for the benefit of all countries.

NEW APPROACH

The time may be approaching when these circumstances that I have described will require a meeting of the nations of the world in a new forum for an historic conference on matters of trade and investment.

As I have indicated, in light of all these conditions the United States already is reevaluating its own trade policies within its traditional commitments and principles.

In light of those same conditions, the time has come for other nations to reevaluate their policies as well.

RECIPROCITY

No country has a trade problem unto itself.

The issues between us cannot be reduced to a simple choice between free trade and protectionism—either for the United States or for others.

CONCLUSION

Business everywhere is out-growing national boundaries.

Trade and investment are the means of establishing ties that can survive temporary political differences.

Trade and investment have shown their great capacity to rise above other barriers to friendship and hold men together in common interest.

Today an economic bond is developing throughout the world in which international business has become man's greatest hope to tie together all the nations of the earth, in abundance and in peace.

## WILLIAM S. CARLSON

### HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. ASHLEY. Mr. Speaker, recently the Ohio Society of Washington, D.C., was privileged to pay tribute to William S. Carlson, president of the University of Toledo, and to hear a splendid address from this distinguished educator.

A university president of note, Dr. Carlson is also a highly respected author and an authority on Greenland and the Arctic.

Because I know that Dr. Carlson's address will be of wide interest, I am taking this opportunity to submit it for the RECORD:

ADDRESS BY WILLIAM S. CARLSON

A college president must be prepared to make some kind of intelligent response to a number of questions that he knows will be tossed at him. He hears them at dinner parties, at board meetings, on the street, at Rotary Club or in the barber shop. Here are some samples:

Is it true that most professors are atheists or communists or both?

How come your basketball team didn't win last week?

When are you gonna tear down the temporary buildings? (This TU alumni will understand?)

Why can't I find a parking place?

Why don't you fire every professor who wears a beard?

Why does it cost so much to attend college?

But the one that is heard most often is: "What's the matter with kids today?"

Not only is that the title of a clever song, but it's one of the oldest questions asked by man. I don't know if Adam asked it of Eve (they certainly had a juvenile delinquency problem) but I do know that it is recorded in ancient writings of both Greece and Egypt.

Here is a quotation as an example: "They (meaning young people) have exalted notions, because they have not yet been humbled by life or learnt its necessary limitations; moreover their hopeful disposition makes them think themselves equal to great things—and that means having exalted notions. They would always rather do noble deeds than useful ones; their lives are regulated more by moral feelings than by reasoning—all their mistakes are in the direction of doing things excessively and vehemently. They overdo everything—they love too much, hate too much, and the same with everything else."

This was written in the fourth century BC by Aristotle.

The question was being asked back when many of us were of college age. Perhaps there are some here who would confess to contributing to the picture of flaming youth—coonskin coat, bell bottom trousers, slicked-down hair, bootleg hooch in a flask, ukeleles and the Stutz-Bearcat roadster. John Held captured these wild ones in his drawings, especially in that swinging magazine, College Humor. Today, to readers accustomed to Playboy, these are subjects of nostalgia rather than of concern. For of course we've grown up and settled down and have conveniently forgotten that sometimes we were the despair of parents, pastors, school principals, and occasionally of the local police.

And we nod in agreement with Adlai

Stevenson's remarks when he addressed the students of Princeton: "What a man knows at 50 that he did not know at 20 boils down to something like this: the knowledge he has acquired with age is not the knowledge of formulas, or forms of words, but of people, places, actions—a knowledge not gained by words but by touch, sight, sound, victories, failures, sleeplessness, devotion, love—the human experiences and emotions of this earth; and perhaps, too, a little faith and a little reverence for the things you cannot see."

Yes, we'd agree with these comments for he was talking in terms we understand, but not necessarily in terms the 20-year-old can understand or will accept.

But the old question is asked more widely and insistently now than ever before: "What's the matter with college students today?" The question comes from baffled parents, from frustrated deans of men and deans of women, from editorial writers, from prospective employers and, it seems to me, from a good-sized segment of the public.

Often in the quiet of my study, I ask the question myself. Why shouldn't I, since my business is education and I feel keenly the dual responsibility I have toward these young people and toward society as a whole? This really tears one asunder, because at times it seems that the two are so completely at odds. If youth doesn't trust anyone over 30, and society in turn reacts against anyone under 30 (to pick a figure that emerged out of Berkeley) the outlook is pretty grim. And in our pessimistic moments we are likely to agree with TIME's article which says, "The Youth Cult misleads them into thinking that license is freedom, that untutored whims are tastes, and that ever-jittering motions are deeds."

Is it really this bad? I don't think so. In fact, there are many who see signs of hope amidst this ferment. They contrast it with the apathetic generation of a few years back, and make a good case for preferring activism, even sometimes misdirected, to indifference.

Samuel B. Gould, my successor as president of the State University of New York, now retired, said in his 1966 commencement address at Alfred University:

"Every generation of youth has felt alienated from the world around it, and always for different reasons relating to the contemporary scene. Demonstrations to end wars are not the exclusive creation of this generation, although the techniques of demonstrating have changed. . . .

"The trend toward activism by students must be met with a corresponding trend toward student preparation of the most intelligent and constructive kind of activism. . .

This is echoed by former Chancellor Franklin Murphy of UCLA, who says:

"I see no alternative to student involvement and reasonable—I wish to emphasize *reasonable*—student activism if one wants to train something other than mechanical morons."

The former vice president for Student Affairs at The University of Michigan, Richard L. Cutler, three years ago said that at that time there were perhaps fifty hard-core, dedicated and consistent protesters on the campus at Ann Arbor. (I doubt that the number has changed appreciably.) Cutler defined a student activist as a young person of serious turn of mind who wants to change things in his world NOW. The most violent of the extremists, who disrupt our campuses, are not students—a fact you should bear in mind.

In somewhat larger numbers but still a small minority are those who would destroy the university unless it capitulates to all their demands. These are the members of SDS—Students for a Democratic Society—a national organization of the new left whose totalitarian tactics, abuse, harassment and obscene vilification remind us of the Nazi bully boys of the 30's. They have no influence on the TU campus because our students recognize them for the phonies they are.

The principal problem arises because these activists feel alienated from the process of decision and consequently they are loud in their criticisms and complaints about the "system," the "administration," the "establishment." That they may not yet be well qualified to participate in such decisions makes no difference to them. They are concerned with the fact that decisions made by members of an older generation affect them and their lives—in matters of war and peace, of mass killing, of spending the nation's wealth, in education, in race relations, and in many areas of personal rights.

In a series about the "Youthquake," the Los Angeles Times reminded us that half of all Americans are under 25. No wonder the rest of us in the other half are worried. In earlier times the activists—black sheep we called them in those days—had an outlet for their rebellion. They simply ran away from home. Now they stay and make it their chief order of business to annoy their elders.

These annoyances include loud protests in a number of areas. For example, on a national scale we find that favorite topics are Viet Nam, the draft, the bomb and the race question and all its ramifications. It was interest in the last one which helped develop marches, sit-ins and the offspring of the latter—teach ins. In these and other matters of concern students are reflecting the doubts of many adults as well—the only difference being that most adults would hesitate to express their feelings as openly as do the younger people.

In the area of their personal lives, the youth express their feelings about free speech in its many manifestations including the dirty speech movement, LSD and the drug question, sexual freedom, and unconventional dress and personal appearance.

A university finds all these to some degree, plus mounting cries about dormitory rules, especially as to hours and visitors of the opposite sex; the old doctrine of *in loco parentis;* complaints about what is taught and how it is taught; questions about university discipline and academic freedom for students, and the administration of the institution itself.

At this point I might say that when an alumnus visits his alma mater his most violent reaction is likely to be set off by the dress and personal appearance of some of the students he sees. On our own campus it was possible for many years to forbid girls to wear slacks and men to wear bermuda shorts in classrooms or the library. (The other day I had an anonymous note from a female employee asking if we had a ruling against wearing a pantsuit to work). Such restrictions, whether or not they ever made sense, are just not enforceable today in any except the most strict of private institutions. The woman shopper who arrives at the supermarket with her hair in curlers and wearing short shorts and sandals showing dirty feet is not unusual. It may hardly come as a surprise if her daughter sees nothing out of line in dressing for school in dungarees and sneakers. But, thank goodness, the great majority of students still are clean and attired in good taste. The only difficulty is that the non-conformists are so conspicuous. That's why the public relations officer at The University of Michigan says they try to keep alumni out of the basement of the Michigan Union. One look at the couple dozen beatniks who congregate there and the old grad is convinced that the entire institution has gone to pot.

As to campus protest movements, Roy Lieuallen, chancellor of the Oregon State System of Higher Education, notes that institutions can even take some pride in student protests IF they are expressed through effective and orderly channels. This of course is in contrast to deliberate violations of established law—and of good taste.

He notes a number of campus-generated sources of unrest:

1. The growth of institutions, especially the *rate* of this growth. All of us suffer pains as we try to adjust to the needs of ever-increasing numbers of students and faculty members.

2. The growth of graduate instruction. This means more faculty attention at the upper levels so that the undergraduate may get short-changed.

3. The increase in research. Again, since successful research is a royal road to status, promotion, fame and financial reward, the faculty member may emphasize this in preference to teaching. Once more the student feels he is being gypped.

4. The very nature of education itself, which MUST encourage students to be critical. Dr. Cutler of Michigan has pointed out that a university must tolerate doubt, skepticism and the questioning mind, even nonconformity. It cannot determine arbitrarily on matters of politics, custom or ideology without stifling the very thing it exists to encourage.

Even at Berkeley nobody ever said that more than 10 per cent could be called problem children. What about the other 90 per cent?

Of course part of the frustration of the rebels is that they cannot understand why this 90 per cent won't follow their lead. They interpret this to mean that the latter are stupid or apathetic and thus to be viewed with scorn. But no potential follower is going to sign up with a "leader" who sneers at him, so it's a hopeless situation unless the protesters can latch onto a cause that the masses will embrace.

Nevertheless it is true that the exhibitionists seek, and get, plenty of attention. I doubt that any group on our own campus invites a controversial speaker or plans a protest without first getting in touch with newspapers, radio and TV. In fact, it is common for us to learn of such plans by this means—we get calls to inquire about time, place and "what are you going to do about it?"

And speaking of exhibitionists, UCLA had an organization with the attention-getting name of the League for Voluntary Parenthood and Sexual Liberty. The university found that this formidable threat to peace, security, the sanctity of motherhood and the American way of life had exactly *six* members among the 25,000 students.

Now for an answer to the original question: "What's the matter with young people today?" Perhaps at least we can arrive at a partial answer from these observations:

Youth are the product—yes, even the victims—of the society we have created for them.

The affluence of our nation eases the pressure to concentrate on learning how to make a living. Thus there is more time for the young man or woman to look at other aspects of life. And what they see does not always please them.

Their education, not only formal education but what they learn by observation, makes it impossible to hide from them the mistakes, the shortcomings and the hypocrisy of society.

The proportions of hell-raisers among people probably is not much different than it ever was. However, nowadays there are more ways, and more effective ways, in which they can express their protests.

Permissive child-rearing has contributed to producing a generation of youths who are more brash and less respectful of their elders—not behind their backs, but right to their faces.

The church has not been able to maintain the moral influence it once exercised over the young.

We ought to keep in mind, too, that nothing attracts attention as quickly as something different. This is the basis of much of the news—not how good, not how worthy—but how different. (A sure way for any senior citizen to get his picture in the paper is to marry a 20-year-old girl. Of course recent events may indicate a new trend so that it may become necessary to marry someone your own age in order to qualify as newsworthy.) But back to the point. To be different WILL attract attention, and it makes precious little difference whether you are good and are right or whether you are bad and are wrong. The latter is likely to get more space.

Despite all this, if one looks at youth without allowing himself to become distracted by what happens on the fringe, he will find heartening evidence of stability, of morality and of seriousness of purpose among the great majority. I believe this is true, and it had better be. For the fate of our nation and the world hangs on this premise.

## UNITED STATES MUST PURSUE HUMANITARIAN EFFORTS TO ASSIST JEWS LIVING IN THE SOVIET UNION

### HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. ADAMS. Mr. Speaker, the Leningrad trials demonstrate to me that the Soviet Union is determined to suppress and punish Jewish protests. Twenty-five members of the Jewish faith have now been convicted in the show trials.

Although the oppression of Jewish people in the Soviet Union has been conducted for decades, it has only been reported in the Western press spasmodically. The Leningrad trials have brought this oppression to international attention. Many people are shocked to read these stories of discrimination and persecution. They are shocked by the reality that a people who have suffered so much within the span of our own memories should still be suffering from such oppression.

There are doubts about the authenticity of the pleas for there is evidence that witnesses have been testifying under duress. I also have questions about the equity of the sentences asked by the prosecution. The nature of the trials and Soviet society prevent us from knowing exactly all the circumstances surrounding the charges and the conduct of the trials.

Justice demands that these trials be open and the defendants be assured of their rights as guaranteed by the United Nations Declaration of Human Rights.

For many Jews living in the Soviet Union their main desire is to leave Russia, but they are denied that opportunity. In order to help provide this opportunity, I joined with many of my colleagues in sponsoring H.R. 7887 which would authorize 30,000 special visas for Soviet Jews who are permitted to leave the Soviet Union and wish to come to the States. This bill is intended to challenge the Soviet Union to permit those Jews who wish to leave to do so. It is important that we demonstrate our friendship at this crucial time.

Let us lift up our voices to demand that Soviet Jews be given the right to worship freely, the right to determine their own destinies and the right to emigrate if they so desire. Let us hope and pray our protests will create such pressure that Soviet Jews will be granted their basic human rights.

## DRUG ABUSE AND ADDICTION AMONG MEMBERS OF OUR ARMED FORCES

### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. REID of New York. Mr. Speaker, I am today introducing two bills to meet the increasingly staggering problem of drug abuse and addiction among members of our Armed Forces and our veterans.

The skyrocketing incidence of drug usage by active duty servicemen, especially in Southeast Asia, has only recently become known. The easy availability and cheap price of drugs, coupled with the stress of a combat environment and the boredom of rear-line inactivity, have combined to turn a substantial percentage of our servicemen into experimenters, regular users, and addicts of drugs.

In recent months, great emphasis has been placed by the Department of Defense upon the treatment and rehabilitation of drug addicts in the service. Such an effort is badly needed and is an altogether appropriate approach to the problem. It is my understanding that the Defense Department will have developed a comprehensive plan by the end of this week for the rehabilitation of servicemen who are drug addicts, and I am glad the administration is moving to do something about this serious problem.

One aspect of the Armed Forces drug problem, however, has been largely neglected. That is the harm to the general community brought about by the release of a drug addict from active duty into civilian life, and the difficulty encountered by many veterans in getting treatment for addiction once they are thrust into the civilian population.

It is estimated that as many as 30,000 American servicemen in South Vietnam are presently addicted to drugs. This figure may be conservative, and it is probably growing. Moreover, it does not include whatever number of servicemen stationed in the United States and other foreign countries who may also be addicts. If all these were to reach the end of their tours of enlistment tomorrow, they would be discharged into the civilian community as confirmed addicts. It takes little imagination to see the enormous adverse social consequences that could well ensue.

In order to insure that servicemen who become addicted to drugs while in the service are not returned to civilian life as addicts, I am introducing legislation to require the Armed Forces to certify every dischargee to be free of drug addiction before releasing him from active duty. A medical examination of each serviceman about to be discharged would be required. If such an examination revealed that a man was addicted to drugs, the service would have to retain him on active duty until such time as his addiction were cured. By this means literally thousands of drug addicts, including those whose addiction may have previously been undetected, would be screened and channeled to treatment instead of being turned out among the civilian community still suffering from addiction. This system would insure that these drug addicts would remain in a controlled environment where the addict is identified and treatment is possible, rather than be placed into a community where treatment is not mandatory and, indeed, where the addict might never be detected. Further, servicemen who know they will not be discharged if they are addicted may be induced to discipline themselves so as to avoid becoming addicted in the first place. This system is designed to benefit both the addict himself, by insuring that he receives necessary treatment from competent medical sources, and the community at large, by stemming the flow of service-generated drug addicts from the Armed Forces to our towns and cities. The Armed Forces have a clear responsibility to treat individuals who are addicted to drugs, because it is in the Armed Forces, and particularly in Southeast Asia, that these men are being exposed to drugs.

As a complementary measure, I am also introducing legislation to expand the scope of treatment of drug addicts among the veterans of our country. The incidence of drug addiction among young veterans appears to be at least as high as it is among active duty servicemen. The Veterans' Administration estimates that 25 percent of all narcotics addicts in the country are veterans. That amounts to upwards of 50,000 veterans. At the same time, as the VA recognizes, the crushing load on non-VA facilities causes substantial numbers of drug addicts to wait months for necessary treatment, and many never receive any kind of treatment at all.

Although non-VA facilities are inadequate to treat all drug addicts, many thousands of whom are veterans, the law presently bars many veterans from receiving VA medical treatment for narcotics addiction. No veteran who has been discharged under "dishonorable" conditions is eligible. Yet in 1970 the Army awarded a total of 2,295 undesirable, bad conduct, and dishonorable discharges for drug abuse offenses alone. Here are 2,300 potential or actual addicts disqualified from medical treatment. Also disqualified are the many additional thousands of veterans who have been discharged under dishonorable conditions for reasons unrelated to drug abuse.

A second disqualifier under present law is the requirement that a disability be "service connected" in order for the veteran to be eligible for initial outpatient medical care. Drug addiction is invariably not service connected as that term is defined by statute. Thus even thousands of honorably discharged veterans who be-

come addicted to drugs are largely unable to receive necessary treatment.

Such a policy makes no sense at a time when drug addiction is a pervasive and destructive illness in our society. To deny a person access to medical treatment—treatment beneficial not only to the individual but also very much so to the community—is self-defeating and unenlightened.

Accordingly I am proposing that veterans who are addicted to drugs be made eligible for treatment at VA facilities for such addiction, regardless of the character or the circumstances of their discharge from the Armed Forces, and regardless of whether or not the addiction is deemed to be service connected. Such veterans would not thereby become eligible for any other benefits to which they are otherwise not entitled by existing law. It is not my intention or desire to open all benefits to veterans discharged other than honorably, but only to make treatment for drug addiction available to all veterans without limitation.

We have to recognize that drug addiction is a serious medical illness—and one which has disastrous social consequences. A policy which deliberately denies addicts access to available treatment facilities is anachronistic in the extreme.

Enactment of the two bills I am introducing today will go a long way toward the detection and treatment of drug addicts among our military and veteran ranks. I urge my colleagues to give them immediate and serious attention.

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## PROGRESS AT SALT

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. GUDE. Mr. Speaker, the President's announcement of progress in the SALT negotiations is great news for the American people. The decision announced in Washington and Moscow to concentrate on curbing ABM's and to limit offensive strategic weapons has moved the SALT negotiations off dead center.

This welcome development follows on the heels of new initiatives to limit American and Soviet troop levels in Europe. I have felt for many years that American troop commitments could be trimmed, and that our NATO allies should assume more of the burden of providing manpower in Europe. The balance-of-payments situation is aggravated by the continued presence of such a large contingent of American troops.

I support the President's goal of negotiating mutual troop reductions in Europe, in consultation with our NATO allies. The administration's response to the Soviet proposal to reduce troop levels, like the response to the crack in the Chinese Wall, shows that the President is ready to pursue lines of negotiation that were considered closed not many years ago. All of these actions will arouse fierce opposition in some quarters, and certainly none is free of risk. But I believe the majority of Americans will be behind the President in the hard negotiations that lie ahead.

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## LEGISLATION ON TEACHING ETHICAL AND MORAL VALUES

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BENNETT. Mr. Speaker, there is a great need in America today for broad instruction in the development of a man's moral and ethical values. Such a program can be developed in the elementary and secondary schools of our Nation and the Federal Government can give stimulus to this through the grant procedure.

Today, I am introducing a bill to accomplish this with 12 cosponsors.

The teaching of ethics and instruction in moral values are a proper function of our schools, especially in view of Supreme Court rulings prohibiting prayer and Bible reading in public schools. Educational programs of this nature and textbooks for such have already been developed in some school systems in the Nation.

The curriculum and academic instruction in morals and ethics could take the form of assembly programs or individual classes. Lessons on courage, heroism, and good works developed from actual stories and biographies of great men and women could be the teaching avenue.

Programs on the growth of the freedom of worship—how it became part of our Constitution; on patriotism—how brave men fought to preserve our freedom; on good citizenship—why is it important to obey the law and on the objective history of religion, which the Supreme Court has approved, could all be topics of classroom discussion.

FBI Director J. Edgar Hoover has said that we have as a society failed our youth by failing "to teach them the meaning of discipline, restraint, self-respect, and respect for law and order and the rights of others." The teaching of moral and ethical standards belongs in the home, church, and school.

The juvenile crime rate is growing at a much faster rate than the overall crime rate and this is an indication of failure to teach our children the difference between good and bad. The latest figures show that arrests of juveniles for serious crimes increased 90 percent in 1969 over 1960, while the population in the juvenile age group, 10 to 17, increased only 22 percent.

If we are to reverse the rising crime rate, costing the Nation $27 billion annually, then we must concentrate on the problem where it hurts the most: Our young people.

The legislation we have introduced will attack the problem at the root and through strong classroom teaching of moral and ethical values our young people will be better able to cope with the challenge of right and wrong.

The cosponsors are: Mr. ROBERT L. F. SIKES of Florida, Mr. EDWARD A. GARMATZ of Maryland, Mr. FRANK M. CLARK of Pennsylvania, Mr. SEYMOUR HALPERN of New York, Mr. CLAUDE PEPPER of Florida, Mr. TOM BEVILL of Alabama, Mr. DAN KUYKENDALL of Tennessee, Mr. BILL NICHOLS of Alabama, Mr. JOHN R. RARICK of Louisiana, Mr. JAMES R. MANN of South Carolina, Mr. G. WILLIAM WHITEHURST of Virginia, and Mr. RALPH H. METCALFE of Illinois.

The bill follows:

H.R. 8782

A bill to provide federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title VIII of the Elementary and Secondary Education Act of 1970 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 807. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for fiscal year ending June 30, 1972, and each of the two succeeding fiscal years."

SEC. 2. Section 422 of the General Education Provision Act is amended by inserting after "the Elementary & Secondary Education Act of 1970" the following: "(other than section 810)".

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## FTC GUIDELINES FOR COMPLIANCE WITH THE FAIR CREDIT REPORTING ACT

### HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mrs. SULLIVAN. Mr. Speaker, last week, at pages 16973–16978 of the CONGRESSIONAL RECORD of May 25, I included as part of my remarks on the Fair Credit Reporting Act of 1970 the official guidelines issued by the Federal Reserve Board and other financial institution regulatory agencies for compliance by regulated thrift institutions with the new law which went into effect on April 25, 1971.

As I noted at the time, the statute itself—title VI of Public Law 91–508, creating a new title VI of the Consumer Credit Protection Act of 1968—does not authorize the regulatory agencies to issue regulations which would have the force and effect of law. As manager of the legislation in the House, as the author of the principal House bill on fair credit reporting, and as chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency which conducted extensive hearings on this legislation, I consider this omission a serious deficiency in the Fair Credit Reporting Act, and I suspect that the industries affected by the law will eventually concede that their determined

opposition to the attempts of a majority of the House conferees to include authority to issue binding regulations was a mistake.

In any event, the Federal Reserve, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Home Loan Bank Board were able to agree on a comprehensive set of guidelines which spell out to thrift institutions the steps they should take in the handling of consumer reports and investigative consumer reports in order to avoid actions which the regulatory agencies would regard as violations of the act, and these guidelines, as I said, were included in last Tuesday's RECORD.

FEDERAL TRADE COMMISSION HAS MAJOR BURDEN OF ENFORCEMENT

The four financial institution regulatory agencies named are responsible for enforcement of the Fair Credit Reporting Act as it applies respectively to State banks which are members of the Federal Reserve System, to national banks, to State banks not members of the Federal Reserve System which are insured by the FDIC, and to insured savings and loans. These financial institutions are covered by the Fair Credit Reporting Act primarily as users of credit bureau information as prospective creditors, or as employers, or in some instances as insurers, but there are also situations in which a financial institution could be held to be a consumer reporting agency, particularly if it relays to a prospective creditor, insurer or employer information about an individual which the bank or savings and loan obtained from an outside source. The guidelines issued last week will enable the thrift institutions to guard themselves against being in the position of acting as consumer reporting agencies subject to the very extensive requirements of the act as they apply to credit bureaus, investigative agencies, and similar firms.

Most of the enforcement responsibilities of the act, however, fall upon the Federal Trade Commission, which has jurisdiction over all of the credit bureaus and investigative firms which originate consumer reports, and over the bulk of private firms which use credit reports in determining eligibility for credit, insurance, or employment.

The Federal Trade Commission has now made public its own set of guidelines for compliance with the Act. I have been assured by the FTC that in developing its guidelines it worked closely with the Federal Reserve and other financial institution regulatory agencies to iron out potential differences in interpretations so that a bank following the Federal Reserve guidelines would not be given instructions differing from those given by the FTC to a firm under its jurisdiction.

FEDERAL TRADE COMMISSION GUIDELINES

Since the jurisdiction of the FTC is so much broader than that of any other agency in administering and enforcing the Fair Credit Reporting Act, the FTC guidelines of course reflect its added areas of responsibility. Therefore, Mr. Speaker, I think the Members of Congress will be interested in having available, through the CONGRESSIONAL RECORD, the provisions of the FTC guidelines as they affect all consumer reporting agencies, nearly all insurers, and most creditors and employers.

The FTC guidelines appear to me to be carefully constructed and extremely helpful to the business firms which are regulated under the new law. In case of any difficulty in applying the standards, a businessman subject to FTC jurisdiction can obtain further information and guidance on the Fair Credit Reporting Act by contacting the nearest FTC office. The FTC guidelines are as follows:

COMPLIANCE WITH THE FAIR CREDIT REPORTING ACT

PURPOSE AND SCOPE OF THIS PAMPHLET

This discussion is published by the Commission's Division of Special Projects, Bureau of Consumer Protection, to coincide with the effective date of the Fair Credit Reporting Act, primarily to meet the demands for information received from many businesses affected by the statute. This pamphlet is a codification of the letters of informal staff advice rendered by the Division during the period since enactment of this legislation (November 1970-April 1971). The comments represent the staff's view of what is required by the Act, to assist the business community in understanding how the law is being interpreted by the Commission's staff.

This discussion should not be construed as representing substantive rules that have the force or effect of statutory provisions, nor should these views be considered as in any way binding upon the Commission.

*I. Introduction: What is the Fair Credit Reporting Act?*

The Fair Credit Reporting Act (P.L. 91–508, 84 Stat. 1127–1136, 15 U.S.C. 1601 *et seq.*) is Title VI of the Consumer Credit Protection Act of 1968; it was enacted October 26, 1970 and is effective April 25, 1971.

The Fair Credit Reporting Act (sometimes referred to as FCRA) is the first Federal regulation of the consumer reporting industry. Its basic purpose is to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy. The law requires consumer reporting agencies to adopt reasonable procedures for providing information to credit grantors, insurers, employers and others in a manner that is fair and equitable to the consumer with regard to confidentiality, accuracy, and the proper use of such information.

The FCRA is primarily designed to regulate the consumer reporting industry and place disclosure obligations on users of consumer reports. For the most part, the consumer reporting industry is comprised of credit bureaus, investigative reporting companies and other organizations whose business is the gathering and reporting of information about consumers for use by others in making a decision concerning whether to grant credit, underwrite insurance or employ the subject of such reports.

Users of consumer reports must inform consumers when adverse action (such as denial of credit, insurance or employment) is taken on the basis of such reports, and the users must identify the consumer reporting agency making the report.

While the FCRA establishes a statutory code of conduct for the consumer reporting industry, a business which collects its own information is not regulated as a consumer reporting agency. Moreover, information which is reported by one business to another is not considered to be a consumer report when that information is the reporting company's own experience (for example, "My records reflect that Mr. Jones was late on 8 of 12 payments"). However, when a businessman reports information other than his own experience, that will usually constitute a consumer report within the meaning of the FCRA (for example, "I have no file on Mr. Jones, but I know that he has a poor record of payment at the bank").

The information need not be derogatory to constitute a consumer report. *Any* information, good or bad, written or oral, that bears on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living will be a consumer report if it is:

(a) Used or expected to be used, or

(b) Collected in whole or in part

for the purpose of considering the consumer's eligibility for consumer credit, insurance, employment, or other authorized business purposes. In the succeeding section, a "consumer report" is discussed in detail.

While the Act generally has no application unless the information is reported by a "consumer reporting agency", that term will be broadly construed to apply to any person or organization that gathers and reports information on consumers for the purposes discussed in the next section (Part II).

Special rules apply to the type of consumer reports that involve personal interviews with third persons who may have knowledge about the consumer's character, general reputation, personal characteristics or mode of living. These are referred to as an "investigative consumer report" and as a rule the consumer is entitled to be informed when he may be the subject of such a report.

These are the general rules of the Fair Credit Reporting Act. Subsequent sections will explain in more detail the obligations of the reporting industry and the users of consumer reports.

*II. Compliance obligations of the reporting industry*

A. What is a Consumer Report?

The definition of a consumer report is one of the most important found in the law. It may be any written or oral communication that bears on a consumer's credit standing, credit capacity, character, general reputation, personal characteristics or mode of living. Further, it must be either used or expected to be used *or* it must have been *collected in whole or in part* for a purpose listed below (often referred to as the "permissible purposes" of consumer reports):

1. Credit or insurance to be used primarily for personal, family or household purposes.

This section serves as a limiting factor on such reports. Thus, if the purpose for which the information is collected *and* for which the report is obtained is to extend business credit to an individual or a sole proprietorship, the information would not be a consumer report and the Act would not apply. If the credit or insurance is to be extended to some form of business organization such as a partnership or corporation, again, the Act would not apply. This discussion of the application of the Act to business reports is amplified in Question 3, Part V.

2. Employment purposes.

This means not only applying for a job, but the evaluation for promotion, reassignment or retention on a job which an employee already holds. Information collected for employment purposes is subject to the Act, and may be reported only on the applicant for employment (or in some cases, the employee), and not on third persons such as the applicant's friends, relations or associates.

3. Other purposes authorized under section 604.

(a) A report may be issued to a person whom the reporting agency has reason to believe intends to use the report and information in connection with a credit transaction with the subject of the report, including the review of the status of an account or to help in the collection of an account. Thus, a credit bureau may issue a report to a collection agency or to a com-

pany that is trying to locate a debtor ("skip tracing").

(b) Governmental agencies are permitted to obtain consumer reports for one of the above-mentioned purposes or if the government is required by law to consider a consumer's financial responsibility or status before granting a license or other benefit. If the government agency cannot demonstrate such need for consumer reports, the consumer reporting agency cannot release such reports to the government body. An example of justifiable need would be when the State Department of Insurance and Banking is required to consider a consumer's financial responsibility before issuing a loan broker's license. However, a governmental survey or economic study would not be a permissible purpose and a court order or written permission of the consumer would be required. It is the reporting agency's responsibility to see that the government agency is furnished consumer reports only for a purpose listed in Part II of this discussion, and to obtain certification that the agency will use the information for no other purpose. Otherwise, compliance with the government agency's request would be limited to furnishing identifying information under Section 608, which will be discussed subsequently.

(c) Reports may be issued to a person who has a legitimate business need for the information in connection with a business transaction for personal, family, or household purposes involving the consumer. The legitimate business need category does not include purposes such as marketing research, an attorney investigating prospective jurors, "protective bulletins" and blacklists.

Investigative consumer reports.

This term is used to identify a type of *consumer report* which contains virtually any subjective information. There are two key factors which make an ordinary consumer report into an investigative consumer report. First, it must be information on a consumer's character, general reputation, personal characteristics or mode of living. Second, it must be obtained by personal interviews with neighbors, friends, associates, or others who may have such knowledge. If a consumer reporting agency contacts a previous employer and goes beyond verifying the fact that the consumer worked there, such as making inquiries relating to work habits and other subjective matters, then the reporting agency is compiling an investigative consumer report. The mere calling of a neighbor to find out where someone works would not be sufficient to constitute an investigative report. However, if, in addition, the neighbor volunteered subjective information which was placed in the report, it would become an investigative consumer report and the rules applicable to such reports will come into play.

B. What is a Consumer Reporting Agency?

This term covers anyone who might render a "consumer report", as defined previously. Obviously, this covers all credit bureaus and others whose business is to create and disseminate such reports. However, there are many others who may from time to time function as consumer reporting agencies and, to the extent that they issue consumer reports, they will be covered by the Act. For example, some banks and finance companies have engaged in the practice of giving out credit information other than that which they have developed from their own ledgers. To the extent that they give out information and experience gained from other creditors, such banks and finance companies would be functioning as consumer reporting agencies and would be required to comply with the terms of the Act. As indicated earlier, giving out a firm's own ledger experience does not make it a consumer reporting agency or the information a consumer report. In order to be a consumer reporting agency, the firm must engage "in whole or in part" in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. When a firm gives its own credit experience on a consumer to a credit bureau, that information does not constitute a consumer report.

In many cities cooperative loan exchanges are established whereby a single information office is maintained which records applications for loans, including the name of the finance company, the name of the consumer and the amount of credit requested or extended. When another finance company calls for this information, it is clear that this is a consumer report, the loan exchange is a consumer reporting agency, and it must comply with all applicable requirements of the law. The law does not stipulate what kind of information qualifies as a consumer report, only that it must have a bearing on the consumer's credit worthiness, credit standing or credit capacity. Even though the loan exchange may not necessarily give the paying record of the consumer, the fact that it identifies sources and/or amounts of other loans is enough to qualify it as a consumer reporting agency.

It should be noted that persons who compile reports on individuals for employment purposes are also covered by the Act. Accordingly, private detectives, detective agencies, and other personnel reporting entities are consumer reporting agencies when they prepare and furnish reports to be used in connection with hiring, promotion, retention (including an employee suspected of dishonesty), or reassignment of an individual. Therefore, compilers of blacklists of potential employees are also consumer reporting agencies (and see the discussion of this subject in Question 5, Part V).

Other groups which may find themselves covered by the definition are collection agencies and collection departments of credit bureaus. The same test applies to them as to a credit bureau, loan exchange or detective agency. Often a collection agency will offer to clear its active and paid up files on a consumer free of charge as an added incentive to a client for placing accounts with the agency. When a collection agency does this, it is acting in the capacity of a consumer reporting agency and must conform to the requirements of the law.

C. What are the requirements of compliance by reporting agencies?

1. Reporting for permissible purposes.

A report can be transmitted only for a "permissible purpose" (listed in subsection A above) and for no other purpose. A reporting agency or requesting party cannot contend that the law does not apply because the report will be used for some purpose other than credit, insurance or employment and, therefore, it is not a "consumer report". The law applies because the information was collected by the agency for one or more of the permissible purposes and, therefore, it is not available except for those purposes. The two exceptions to this are reports which are given pursuant to court order, and furnishing a report in accordance with the subject's written instructions.

In order to comply with the "permissible purposes" section, reporting agencies are required to take all steps necessary to insure that its consumer reports are given to those who will use them for permissible purposes only. This would include having written agreements with their customers not to seek reports except for permissible purposes. Identification procedures for those who seek reports should also be stringently enforced. After identification, a user of reports must certify (either by initial contract or upon each request) the purpose for which they are requested and that the information will not be used for any other purpose. While such certification need not be a notarized statement, there should be a contract or notation in the reporting agency's files which indicates that the question was asked and just what the answer was.

Reporting agencies must take care not to set up agreements with fictitious creditors. Some verification such as an on-site visit to the prospective user's place of business will be needed if the agency is not familiar with the party with whom it is dealing. Further, checking references of the prospective user such as a banker or other business-house should be employed. It is important to note that every reporting agency should have some system by which it verifies that it is dealing with a legitimate business having a "permissible purpose" for the information reported.

2. Accuracy.

It is a requirement of the Act that every reporting agency set up reasonable procedures to assure the accuracy of the material contained in the reports. The law does not specify the precise procedures a reporting agency must follow. These may vary depending on the size of the agency and the type and volume of reports that it issues. One of the most significant compliance procedures to assure accuracy will be the training of new personnel and the retraining of current employees from time to time. Even isolated instances of error should be followed up and procedures adjusted in order to correct the cause of the error.

The obligation to assure accuracy applies to all aspects of the handling of consumer information. Thus, not only must the accuracy of information and the reliability of sources be determined at the time information is gathered, but procedures should be employed to assure that data is properly recorded and reproduced when reports are prepared. The requirement in the law that steps be taken to promote accuracy also requires periodic reevaluation of data to determine whether it has become obsolete or misleading with the passage of time. In a similar vein, care should be taken to indicate the context or purpose for which certain information originally was collected to minimize the risk that it will be inaccurately interpreted when used for a different purpose or in a different context than the one in which it orginally was generated.

Consumer reporting agencies employing automatic data processing equipment, particularly agencies that transmit information over distance by any mechanical means, must exercise special care to assure that the data is accurately converted into a machine-readable format and that it is not distorted as a result of machine malfunction or transmission failure. Procedures also must be adopted that will provide security for such systems in order to reduce the possibility that computerized consumer information will be stolen or altered, either by authorized or unauthorized users of the information system.

Whenever possible, adverse information should be verified by more than one source. Further, in our view, practices such as maintaining quotas on the development of "protective" or adverse information by investigators, and recording the percentage of cases in which an investigator has recommended that the applicant be denied, should be discouraged. Such practices are clearly inconsistent with the Act's policy of accurate credit reporting because they tend to put pressure on the investigator to write as many adverse reports as possible.

3. Keeping the file current.

Consumer reporting companies are required to see to it that their files are current. Upon discovery, stale information should be deleted from reports. The Act spells out the length of time during which adverse information may be reported. After the expiration of the specified time period, such information should be deleted. The reporting

of information that should have been deleted is a violation of the Act.

Bankruptcies:

Bankruptcies which occurred more than fourteen years prior to the report cannot be reported by a credit reporting agency. The formation. Consumer reporting agencies with fourteen years begins when the bankruptcy Referee or other competent court adjudicates the consumer bankrupt. It should be noted that in the staff's view wage earner plans under Chapter 13 of the Bankruptcy Act should not be considered bankruptcies for purposes of this part of the Act.

Suits and judgments:

These may be reported for seven years from the date of entry or until the Statute of limitations (if any) expires, which ever is the longer period.

Tax liens:

Paid tax liens may be reported for seven years from the date of payment.

Accounts placed for collection:

After seven years, such accounts, along with those charged to profit and loss, should be deleted. There is, of course, some question as to when the seven year period begins to run. One reasonable interpretation is that it should be the date of the last transaction on the account, either a charge or a payment.

Records of arrest, conviction, etc.:

Records of arrest, indictment or conviction of crime cannot be reported when they exceed by seven years date of disposition, release or parole. It would appear that if the communication of the record itself is prohibited, communication of the record through another source is also prohibited. Thus, obtaining the fact of the arrest, etc., from a contemporaneous newspaper article, or even from an interview, would subvert the purpose of the Act and is also within the subsection.

Other adverse information:

Any other adverse information, more than seven years old, should be deleted from consumer reports.

Agencies should be encouraged to keep and dispense only fresh information. If there is any question about the Statute of Limitations, or about whether information is obsolete, prudence would dictate deletion of such from the consumer's report.

It should be noted that the above provisions with regard to obsolete information need not apply in the case of a credit report to be used in connection with:

a. A credit transaction involving a principal amount of $50,000 or more;

b. The underwriting of life insurance in a face amount of $50,000 or more; or

c. The employment of an individual at an annual salary which at the time equals or exceeds $20,000.

If information is preserved for the category of $50,000 or more transactions exclusively, there must be procedural safeguards to avoid its use in impermissible transactions. Thus, it should be filed separately, and the separate file should be callable only after a procedure requiring an internal management decision that one of the conditions in Section 605(b) is met.

4. Disclosures to consumers.

(a) Access to file

Any consumer who offers proper identification to a consumer reporting agency and requests disclosure of what is in the agency's file on him, shall be told clearly and accurately everything that is in his file including sources of the information (except as noted in the paragraph below). The Act uses the term "nature and substance" of the information because Congress recognized that in some cases the coded information or "common language" information (for example, the term 'I-4' means past due installment contract) if given verbatim would be meaningless to the consumer. It puts the burden on the reporting agency to explain each item in the file. A mere summary of the information will not comply with the Act. Everything in the file, no matter how or where it is stored, must be disclosed to the consumer when he makes a proper request for such information. Consumer reporting agencies with offices in more than one location must disclose all of the information on a consumer on file in any and all of their offices. The consumer need not be shown the file itself and the consumer has no right to physically possess or receive a copy of the report.

There are two exceptions to the requirement of full disclosure, the first of which is medical information included in the consumer's file. This need not be disclosed to the consumer by the reporting agency. Medical information includes records from physicians and medical facilities, and does not include comments on a consumer's health by non-medical personnel. Also the sources of "investigative information" need not be disclosed in a consumer interview. However, if there is a law suit by a consumer under this Act, the sources of investigative information shall be available to the consumer under the appropriate legal procedures in the court in which the action is brought.

Reporting agencies must disclose to the consumer the names of any parties who have received employment reports within the past two years and the names of others who have received reports for any other purposes within the past six months from the date of the interview. No sources of information or recipients of reports need be named which were in the file prior to the effective date of the Act, April 25, 1971. However, if the information is still in the credit reporting agency's file on April 25, 1971, it must be treated in compliance with this section.

When a consumer requests an interview with a credit reporting agency, the interview should be set up during normal business hours and on reasonable notice. Unusual or restrictive hours would be considered a violation of the Act. If the consumer cannot come to the office during normal business hours, the reporting agency should specifically inform him that he may have a telephone interview. Nothing in the Act prohibits interviews after normal business hours if that is mutually agreeable to consumer reporting agency and the consumer.

While the consumer is required to give reasonable notice of his desire for an interview, this should not be used as a means of making it difficult for the consumer to obtain information to which he is entitled.

If the consumer appears in person, he must furnish proper identification. If he takes advantage of his right to have the information by telephone, he should have previously made a written request with proper identification and the toll charge for the telephone call, if any, should be paid by the consumer.

The consumer reporting agency should have trained personnel to explain to the consumer any information furnished to him in accordance with the Act. The consumer may be accompanied by another person of his choosing. The agency may require the consumer to furnish a written statement which grants the reporting agency permission to discuss the consumer's file in front of the other party.

(b) Procedure in the case of disputed accuracy.

If a consumer questions the accuracy or believes more should be said about an item of information in the credit reporting agency's file, the agency is required within a reasonable period of time to reinvestigate that information and record the current status in the consumer's file. In conducting a reinvestigation an agency must make a good faith effort to determine the accuracy of the investigation. As a minimum, this would include checking back with the original sources of the disputed information and informing such sources of the nature of the consumer dispute. While the term "reasonable period of time" is not specific, it would be appropriate for the agency to reinvestigate the matter immediately unless there is some good reason for delay. Further, the reinvestigation must be pursued conscientiously and completed within a reasonable time

There is an exception to the requirement of reinvestigation, if the agency has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. This exception should not be used by agencies as a means of avoiding reinvestigation Further, the fact that there is contradictory information in a consumer's file does not by itself constitute grounds for the agency's believing the dispute is frivolous or irrelevant. The appropriate approach for an agency is to assume that the consumer's complaint is bona fide unless there is clear and convincing indication to the contrary.

If after reinvestigation the information is found to be inaccurate, the agency shall promptly delete it from its files. If it cannot be reverified, it must be deleted.

Reinvestigation and verification may require more than returning to the original source, asking the same question, and receiving the same answer. One method of reinvestigating and verifying would be to contact additional sources. Another method, if the original sources must be used, would be to explain that the original statement has been disputed and state the consumer's side, and then ask whether the sources would repeat it, qualify it, or accept the consumer's explanation. It would appear that, in such instances, it is only fair, both to the sources and the consumer, to warn the sources that their names could be discovered if litigation should ensue.

Of course, any sources volunteered by the consumer should be contacted, and any facts provided by him should also be verified in the reinvestigation.

If after reinvestigation the consumer believes his side of the dispute needs further clarification, he has the right to file a brief statement explaining the dispute. If the reporting agency helps the consumer write a clear summary of the dispute, such statement may be limited to 100 words. In subsequent consumer reports, if there is a disputed item, the agency must not only clearly note that the item is disputed but must also provide either the consumer's statement, an accurate codification of the nature of the dispute, or a clear summary of the dispute for the recipient of the report. While the agency need not do this if it believes that the dispute is frivolous or irrelevant, this should not be treated as a loophole.

In the event the reinvestigation results in deleted information or in the case of a disputed item, the reporting agency must clearly explain to the consumer that he has a right to request the agency to inform anyone who received the deleted or disputed information of the deletion or the explanatory statement, if the person received the report for employment purposes within the past two years or for any other purpose within the past six months. The agency must inform the consumer of his right to make this request at the time of deletion or at the time the statement regarding the dispute is placed in the file.

(c) Charges for disclosure.

Under certain conditions, the agency has the right to charge the consumer a fee for making disclosures to him. An agency may not charge the consumer for an interview or for the notification of previous recipients if the consumer has been denied credit for some other adverse action was taken within thirty days, either wholly or partly as a result of a report from a reporting agency. In addition, the agency may not charge him for the interview or notification if he has received a notice from a debt collection agency or department affiliated with the reporting agency, within the previous thirty days, that the consumer's credit rating may be or has been adversely affected.

Except in these circumstances, the Act provides that the consumer reporting agency may make a reasonable charge for the disclosure so long as that charge is stated to the consumer prior to the interview. Additionally, if the consumer requests transmission of notifications, statements, summaries or codifications to persons designated by the consumer, the charge shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on a recipient of a consumer report. No charge may be made by an agency for notifying persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

5. Restrictions on investigative consumer reports.

When a report is prepared that contains investigative information, adverse information from that report cannot be used again unless the adverse information has been verified again in the process of making the second report (unless the adverse information is not more than three months old). Adverse public record information is exempted from this prohibition. Thus, if in a previous report there was included adverse comment made by a neighbor, it may not be used in a subsequent report unless it is rechecked or had been received within the prior three months.

6. Reporting public record information for employment purposes.

If any agency includes in an employment report matters of public record which are likely to have an adverse effect upon a consumer's ability to obtain employment (or to be retained or promoted) the reporting agency must comply with one of the two following alternatives:

(a) At the time an agency reports adverse public record information, the agency must notify the consumer that it is including that information in the report and it must give the consumer the name and address of the employer (or prospective employer) to whom the information is being reported, or

(b) The agency must maintain strict procedures designed to insure that such public record information is complete and up to date. For example, items of public record relating to arrests, indictments, convictions, suits, tax liens and outstanding judgments are up to date if the *current* public record status of the item (at the time of that report) is reported.

DISCLOSURE TO GOVERNMENTAL AGENCIES

We have discussed previously the right of government agencies to obtain consumer reports when the purpose for which they are to be used is one of those listed as permissible under the Act. When files are requested for *any other reason*, governmental agencies are limited to obtaining identifying information. Such identifying information includes the name, address, former address(es), place(s) of employment or former place(s) of employment of the subjects. Nothing else may be disclosed to a governmental agency unless the governmental agency's purpose falls within the permissible purposes requirement. For instance, if a government representative is looking for a fugitive from justice or examining an income tax return, then Section 608 would apply because these are not one of the permissible purposes of consumer reports. On the other hand, if the government agency has a lien against the taxpayer and wants to know from the credit record whether the man can pay, this is a permissible purpose and a full credit report may be given.

This points up the importance of having each government agency repesentative complete a form on which he certifies the specific purpose of the report he is requesting, that it will be used for no other purpose, and that it will not be given to any other agency. Based on that form, the reporting agency then can make a determination as to whether a full report will be given or identifying information only. The burden is on the reporting agency to make this determination and to be prepared to justify the giving of a report in the event its actions are questioned. If a full report is needed by a government agency for a non-permissible purpose, the government agency can seek a court order or obtain the consumer's written permission for release of the report. The government agency's own administrative subpoena would not qualify as a court order.

*III. Compliance Obligations of Users of Consumer Reports.*

A. The general rule.

As indicated at the outset of this discussion, the Fair Credit Reporting Act imposes obligations on persons who obtain credit information and other types of personal information from a consumer reporting agency before making a decision to extend credit, offer to underwrite insurance, or offer employment to a consumer. Basically, the obligation takes the form of disclosures which, depending on the circumstances and the nature of the information obtained, must be made at certain points in the credit, insurance, or employment granting or denial process.

B. Adverse action on the basis of a "consumer report".

The Act provides that (a) whenever credit or insurance for personal, family, or household purposes involving a consumer is denied or the charge therefor is increased, or (b) whenever employment (including "employment purposes" as defined in Section 603(h)) involving a consumer is denied, either wholly or partly because of information contained in a "consumer report" from a "consumer reporting agency", the user of the consumer report shall so advise the consumer of that fact and shall supply him with the name and address of the consumer reporting agency making the report. The information in the report need not be adverse to trigger this requirement, so long as the user's action is due in whole or in part to the information in the report.

Compliance with the foregoing requirement may be achieved by a form letter which informs the consumer that credit, insurance or employment has been denied or the charge, increased because of information received from a specified consumer reporting agency. The letter must of course set forth the name and address of the agency making the report. Although the Act does not specify that disclosure must be made in writing, this procedure is strongly recommended because it provides the user with the best form of evidence that he has taken reasonable steps to comply with the Act's requirements. It is recommended that copies of such disclosures provided to consumers be retained for two years since that is the applicable statute of limitations for most civil liability actions wihch may arise under the statute.

C. Adverse action taken on the basis of information other than a "consumer report".

The Act provides that whenever *credit* (not insurance or employment) for personal, family, or household purposes is denied or the charge for such credit is increased, either wholly or partly because of information obtained from a source *other* than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information must (1) communicate the adverse action to the consumer and (2) clearly and accurately disclose to the consumer his right to make written request for disclosure of the information that resulted in such adverse action. If the consumer makes such a request within 60 days of being notified of the adverse action, the user of the information must, within a reasonable period of time, disclose the nature of the adverse information to the consumer.

In our view, compliance with this requirement would be met by a form letter which informs the consumer that credit has been denied (or the cost increased), and that he has the right to obtain a statement setting forth the reason for such adverse action if he makes written request for such reason within 60 days of receipt of the letter. When a consumer does make such a request, he need not be told the *source* of the information (by name), although he may be so informed, but the law contemplates that he will receive the information itself plus sufficient identifying information concerning the source to permit him to verify the accuracy of the information. A sample "nature of information" disclosure letter which meets this requirement may be found in the appendix at p. 1. There is no reason why a creditor could not disclose the nature of the information at the time of informing the consumer that credit has been denied. The statute does not specify such a procedure, but for those creditors who choose to do so, there is no objection to it.

D. The user of investigative consumer reports.

The Act provides that a person may not procure or cause an investigative consumer report to be prepared unless he clearly and accurately discloses to the consumer the fact that a report, including information as to the consumer's character, general reputation, personal characteristics and mode of living, as applicable, may be made. The disclosure must be made clearly and conspicuously in writing and, while not required, it should be in a form which the consumer may retain. It must be made not later than three days after the date on which the report was requested. However, this disclosure may be made in the application for credit, insurance, or employment so long as it is not obscured by other language in the application.

The disclosure should contain three things. First, it should inform the consumer that an "*investigative report*" or "investigative consumer report" may be requested. Second, it should disclose what is meant by this term, that is, interviews with neighbors, friends, associate, etc. to determine the applicant's general reputation, personal characteristics and mode of living. Third, it must inform him that he has the right to make a written request, within a reasonable period of time, for a complete and accurate statement as to the nature and scope of the investigation which is being requested. Further, if the consumer requests such further information, it must be provided to him not later than five days after his request is received.

The staff of the Commission has developed a sample form of disclosure which in its view meets the investigative report notification requirements discussed above. The sample form appears in the Appendix at p. 2. Since the additional disclosures required by Section 606(b) must be tailored to fit the particular situation, it was not practical to formulate a sample disclosure. In our view, however, the Act contemplates that the consumer who requests such additional information will receive a complete and accurate description of the questions asked and disclosure of the number and types of persons interviewed and the name and address of the investigating agency. Providing the consumer with a blank copy of any standardized form used to transmit the information from agency to user would comply with this requirement of the Act. It is not necessary to provide the consumer with a copy of the completed report, nor reveal the names of the sources of information.

It is important to note that the requirement of disclosure that an investigational report may be made does *not* apply to any employment purpose (hiring, retention, pro-

motion, etc.) for which the subject has not applied. This disclosure requirement only applies to an investigative consumer report for employment purposes which is requested in connection with employment, promotion or reassignment for which the employee has specifically applied.

If an employer, regularly, or on a random basis, has such reports prepared as part of his personnel procedures for evaluating his employee, no pre-report notification under Section 606(a) of the Act need be made. However, should adverse action be taken, either wholly or partly as a result of information obtained in any consumer report, disclosure to the employee must be made that the adverse action is being taken because of the report and the reporting agency must be fully identified.

One further point bears mention in connection with the use of investigative consumer reports. Any creditor, insurer, or employer who uses his own staff to conduct the investigation in connection with a consumer's request for credit, insurance, or employment is not obtaining a "consumer report" when he does so. The Act limits "consumer reports" to communication of information to *third parties*. An employee reporting to his employer is not reporting to a third party. Accordingly, any such report would be exempt from the statutory requirements. However, in our view it is clear that when one person or legal entity investigates a consumer and reports to another unrelated entity, it is reporting to a "third party" and therefore it is a consumer reporting agency and the recipient is a user (with the attendant user's disclosure obligations).

E. Exceptions to the definition of consumer reports.

Since users of consumer reports and investigative consumer reports have certain obligations imposed by the Act in connection with their use of such reports, it is important at this point to note the exceptions to the term "consumer report".

1. Reporting your own experience.

The term "consumer report" does not include any report composed entirely of information as to transactions and experiences between the consumer and the person making the report. This exception was designed to cover so-called trade experience furnished by a creditor to other creditors of the consumer. It also covers verification of past and present employers, salary, and other items included by the consumer on his application for credit.

It is important to note that the exception to the definition of "consumer report" which encompasses trade reference information is limited to "transactions and experiences" between the person contacted for information and the consumer, of which that person has first hand knowledge. For example, if retailer A calls retailer B and asks for ledger experience with Mr. Smith, the reporting by retailer B of Mr. Smith's payment record with him would not be a consumer report. If, however, retailer B informs the inquirer that Mr. Smith pays his account with him properly, but has defaulted in his obligation to bank C, retailer B is making a consumer report, and all of the statutory obligations arising from the consumer report discussed in Part II herein would apply to retailer B. Accordingly, creditors, employers, and others who regularly supply personal information on consumers to others must take care to limit that information to transactions and experiences of which they have first hand knowledge—based on their own experience with the consumer involved.

2. Authorization for a credit transaction.

A second exception to the term "consumer report" is any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device. The foregoing exception was intended to exempt the communication of a decision by a credit card issuer with respect to a charge, made at the request of a merchant or other person who has been asked to honor a credit card by a customer. While the statute uses the language "authorize or approve," which indicates that only an affirmative decision by the card issuer is exempt from the term consumer report, the legislative history indicates that both approvals of specific extensions of credit and denials of credit were intended to be covered by this exception. The Senate report on S. 823 indicates that Congress envisioned the relationship between cardholder and card issuer to be an ongoing one in which the cardholder would always be informed as to the reasons for the denial of a specific charge. Therefore, Congress saw no need for the requirements of the Act to apply to credit card authorization or denial situation once a card has been issued and is in use, although Section 615 would still impose an obligation on the credit card issuer to notify the consumer of any reliance upon a consumer report in determining the denial. Accordingly, the Act imposes no obligation on the card issuer or the merchant when authorization of a purchase on a credit card is either granted or denied based on "in-house" information not obtained in a consumer report or from a third party.

3. The financial institution as a purchaser of dealer paper.

The third exception to the term "consumer report" covers the common situation in which a dealer or merchant attempts to obtain credit for his customer from an outside source (a finance company, for instance). The statute provides that the communication of the decision by the financial institution regarding the transaction is not a "consumer report" *if* the retailer informs the customer of the name and address of the bank, finance company, or other financial institution to which the application or contract is offered *and* the bank, finance company, or other institution makes the disclosures required by Section 615 of the Act.

Anytime a dealer calls the financial institution *before credit is extended* to inquire whether it will either extend credit directly to his customer or purchase the retail contract, and the financial institution denies the credit or increases the cost even partially because of a credit report on the consumer, or because of other information from outside sources, the dealer and the financial institution must each make disclosures to the consumer as indicated below to keep the financial institution from becoming a consumer reporting agency.

Whenever the request to purchase such consumer credit is made, the dealer must advise the consumer of the name and address of the financial institution. If the financial institution denies credit or increases its cost it must follow the normal procedures of a user of information from outside sources. That is, if its decision was based on a report from a consumer reporting agency, the financial institution must give the consumer the name and address of the agency. If its decision was based on information from a third party, which is not a consumer reporting agency, the financial institution must disclose to the consumer his right to make a written request within 60 days for disclosure of the nature of the information.

If the decision to deny credit or increase its cost is based on the financial institution's prior experience with the consumer or its general credit policy (for example, size of downpayment or maturity required) it would not need to make any disclosure to the consumer. However, a denial requiring disclosures occurs when any condition is imposed on the dealer contract on the basis of information *from an outside source*. This may include increasing the discount or dealer reserve or taking the paper with recourse. It may also include requiring a higher downpayment, shorter maturity, a cosigner or guarantor.

Since both the dealer and the financial institution will usually wish to avoid being the recipient and communicator, respectively, of a consumer report, the question arises as to what steps each may take to insure that the other performs his obligation. In our view, reasonable steps to comply with the notice requirement of Section 603(d)(3)(C) would include both an agreement between dealer and financial institution regarding the obligations of each under the Act and random checks by the institution with consumers to ascertain whether they were notified by the dealer. An example of such an agreement which is considered appropriate is found in the Appendix at p. 3.

*IV. Summary: The consumer's rights created by the Fair Credit Reporting Act*

The FCRA amends the Consumer Credit Protection Act of 1968 by adding a sixth Title. The basic purpose of the law is to protect consumers from inaccurate or obsolete information in a report which is used as a factor in determining an individual's eligibility for credit, insurance or employment. It does not apply to reports utilized for business, commercial, or professional purposes. It does not limit the kind of information that can be gathered, nor require reporting of "relevant" information, and it does not give consumers the right to possess physically their file or to receive a copy of it.

The new law attempts to balance the need of those who extend credit, insurance or employment to have quick and inexpensive access to the facts necessary to make a sound business decision, and the consumer's right to know of and correct erroneous information being disseminated about him. The legislation was drafted to facilitate the free flow of information about a consumer, while at the same time affording the consumer the opportunity to rectify any errors causing him unwarranted difficulties.

The major rights created by this law are as follows:

*Notification of adverse action.*

The consumer is given the right to be told the name and address of the consumer reporting agency when he is rejected for credit, insurance or employment at the time of such denial (§ 615(a)). In this manner, he will be made aware of the existence of any adverse information and can avail himself of the right to correct any erroneous information in his file. If credit is denied because of information from some other source, the Act gives the consumer the right to learn the nature and substance of the information directly from the prospective creditor.

Access to information in a credit file.

The consumer has the right to access to his file to learn the nature and substance of the information in the file at the consumer reporting agency, whether or not adverse action has been taken. All information in the file is available to him, with the exception of medical information and the sources of investigative information, which can only be obtained through discovery procedures of a court. The term "nature and substance of all information" means only that the individual need not be permitted to physically handle his file or receive a copy of his file. The Act does not prohibit the agency from doing either if it desires to do so. The consumer has the right to be accompanied by one other person of his choice when his file is discussed.

Sources and recipients of information.

The consumer has the right to be told the sources of information in his file (noninvestigative sources) and who has received reports on him during the preceding six months for credit or insurance purposes and the preceding two years for employment purposes.

Confidentiality.

The consumer has the right to have the information in his file kept confidential and reported only for credit, employment, insurance, government license or benefit, or other legitimate business purpose; and otherwise to have information in his file that goes beyond identification kept from governmental agencies unless disclosure is ordered by court.

Reinvestigation of disputed entries.

The law requires that consumer reporting agencies reinvestigate within a reasonable time disputed items of information and correct these if found to be inaccurate (§ 611). Inaccurate or unverifiable information must be deleted from his report. If the dispute is not resolved, the reporting agency must note the existence of the dispute and enclose in the consumer's file a brief statement of the consumer's version of the dispute.

Advance notification of investigative consumer reports.

The law requires those that procure or cause to be prepared investigative reports (those that involve interviews with friends, neighbors, or any other person), as distinguished from credit reports, to inform the consumer in writing (a) that such an investigation may be made, or, if already ordered, will be made and (b) that the consumer has the right to make written request for a complete and accurate disclosure of the nature and scope of the investigation, which could be accomplished by disclosure of the items or questions which the investigation will cover, the types and number of sources, and name and address of the agency involved. This advance notice will not apply if the report is for employment for which the subject has not applied. In addition, adverse investigative information (except public record information) must be reverified before it can be included in any report made after three months (§614).

Care and accuracy.

There is the general requirement that consumer reporting agencies provide only reports requested for certain legitimate business purposes (§ 604) and that they maintain reasonable procedures to assure that recipients of the reports are authorized to receive them and to assure that reported information is not obsolete (§ 607). These procedures must also be maintained to assure maximum possible accuracy of all consumer reports.

Elimination of obsolete data; adverse public record information.

Reporting agencies have an option to follow one of two procedures: the agency must either notify the consumer when adverse public record information (such as suits, tax liens, arrests, indictments, convictions, bankruptcies, judgments) is being reported to a potential employer, or it must maintain strict procedures to verify the current status of such public record items (§ 613). As a rule, information may not be reported if older than seven years (there are a few exceptions such as bankruptcy, 14 years) and suits and judgments on which the limit is seven years or the governing statute of limitations, whichever is the longer period (§ 605).

Obtaining information in a file by false pretenses.

The law provides criminal penalties for *obtaining* information on a consumer from consumer reporting agencies under false pretenses (§ 619) and for *providing* information to someone unauthorized to receive it (§ 620).

Legal recourse.

The private enforcement provisions of the FCRA permit the consumer to bring civil suit for willful noncompliance with the Act with no ceiling on the amount of punitive damages (§ 616). The consumer may also sue for negligent noncompliance for actual damages sustained by him (§ 617). Attorney's fees, as determined by the court, will be allowed for both forms of action.

A two year statute of limitations from the date liability arises is provided for civil suits (§ 618). However, where the defendant has willfully misrepresented information required by the law to be disclosed to a consumer, and that information is material to the establishment of the defendant's liability, the statute does not begin to run until discovery of such misrepresentation.

Suit may be brought in any appropriate U.S. District Court without regard to the amount in controvery, or in any other court of competent jurisdiction (§ 618).

A consumer reporting agency any user of information, or any person who supplies information will not be subject to a consumer's civil action for defamation or invasion of privacy based upon information disclosed to a consumer pursuant to the Act, unless the information is false and furnished with malice or willful intent to injure such consumer or furnished negligently in noncompliance with the Act. However, if the consumer also obtains the information independently of the agency disclosures, such actions may be brought.

Administrative enforcement.

Compliance is enforced by the FTC with respect to consumer reporting agencies, users of reports, and all others involved who are not regulated by another Federal agency (§ 621(a)). The Commission can use its cease-and-desist power and any other procedural, investigative and enforcement powers which it has under the FTC Act to secure compliance, irrespective of commerce or any other jurisdictional tests in the FTC Act. Compliance on the part of financial institutions is delegated to those Federal agencies that exercise existing enforcement jurisdiction over such businesses (§ 621(b)).

*V. Some frequently asked questions about the Fair Credit Reporting Act*

1. *Question:* Is a lender's exchange which merely collects information, such as amount of loan, etc., regarding loans outstanding, and provides this information to its members on a non-profit basis, a consumer reporting agency?

*Answer:* Yes. Section 603(f) defines "consumer reporting agency" to include any person which ". . . on a cooperative non-profit basis regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports". Accordingly, any exchange or pool which collects information which might bear on a decision to grant credit or insurance for personal, family or household use, or employment, and disseminates this information to its members or other third parties is a consumer reporting agency.

2. *Question:* Is a motor vehicle report issued by a state agency a "consumer report"?

*Answer:* Yes, under the circumstances in which such a state motor vehicle report contains information which bears on the "personal characteristics" of the consumer, (i.e., when the report refers to an arrest for drunk driving). Under those circumstances, such reports issued by a Department of Motor Vehicles are "consumer reports", and the agency is a "consumer reporting agency" when it issues such reports.

3. *Question:* Is a report on an individual obtained in connection with the extension of business credit or writing of business insurance a "consumer report"?

*Answer:* No. While Section 604(e) of the Act makes a report obtained by a person who has a legitimate business need for information on a consumer in connection with a business transaction involving the consumer a "consumer report", other Sections of the Act and its legislative history clearly indicate that only reports obtained in connection with employment, credit, or insurance for personal, family, or household purposes were intended to be covered. Accordingly, if a report is obtained on an individual for the purpose of determining his eligibility for business credit or insurance, it is not a "consumer report".

However, when the information contained in the report was originally *collected* in whole or in part for consumer purposes, it is a consumer report and it may not be subsequently furnished in a business credit or business insurance report.

4. *Question:* Are "claims reports", "adjustment reports" or other reports obtained by an insurer in connection with an insurance claim a consumer report?

*Answer:* No, not at the time it is obtained. A report on a consumer obtained by an insurance company in connection with a claim against it, is not used to determine a consumer's "eligibility" for insurance, (Section 603(d)(1)) or in connection with the "underwriting of insurance involving the consumer" (Section 604(3)(c)). Neither is such a report obtained in connectiton with "a business transaction involving the consumer" (Section 604(e)), at the time it is obtained. Accordingly, such a claims report is not a "consumer report". Conversely, it would be improper to use information originally collected in whole or in part for consumer purposes in a claims or adjustment report, since such reports are not "in connection with a business transaction involving the consumer".

If, however, a claims report is obtained, and later used in connection with a decision to cancel, to refuse to renew, or to increase the premium charged for personal insurance for the consumer (or to take similar action in respect to specific benefits such as disability income benefits and workmen's compensation benefits provided under such policy), it is a "consumer report" when so used, and the applicable disclosures under Section 615(a) would have to be made.

5. *Question:* Many trade associations and other organizations issue "protective bulletins", lists of consumers who have issued bad checks or who for some other reason may not be credit worthy, and lists of persons whose alleged personal characteristics or affiliations disqualify them for employment. Under FCRA, are such lists considered "consumer reports" and, if so, may they be distributed?

*Answer:* Yes, they are consumer reports; no, they may not be distributed. The purposes for which a consumer report may be distributed are set out in Section 603(d) and 604 of the Act. Both Sections require that a report must be "used or expected to be used or collected . . . as a factor in establishing *the consumer's* eligibility for" certain things such as consumer credit or insurance; or, "to a person which . . . intends to use the information in connection with a credit transaction involving *the consumer* on whom the information is to be furnished. . . ." (Emphasis supplied) Since these lists, which are in effect a series of consumer reports, contain information on consumers who may never have a transaction with the recipient of the list, the distribution of such lists is prohibited.

6. *Question:* May a consumer reporting agency furnish a consumer report to another consumer reporting agency for the purpose of selling such report to a subscriber?

*Answer:* Yes. Assuming that the consumer reporting agency seeking the report has had a request for a report on the subject of the report from one of its subscribers, it would have a permissible purpose for obtaining it under Section 604(E) of the Act. Accordingly, there would be no bar to an agency furnishing such a report.

7. *Question:* Does a mortgage banker or

financial institution become a consumer reporting agency by transmitting a consumer report or information obtained from outside sources to another party involved in the same transaction?

*Answer:* No. The mortgage banker or financial institution would not become a consumer reporting agency since it is a joint user of the same information with the other party involved in the same transaction. For example, a financial institution does not become a consumer reporting agency by transmitting such information to an insurer or guarantor (as in the case of FHA, VA, private insurers or insured student loan programs), or to a participating financial institution in connection with the same transaction, or to a collection agency in connection with its efforts to collect on the transaction.

APPENDIX

*I. Sample (nature of information) disclosure required of users under section 615(b) of the FCRA.*

Mr. HARRY DOE,
*Anytown, USA.*

DEAR MR. DOE: In response to your request for a statement of our reasons for turning down your recent application for credit, our records reveal that your application was not approved because:

Your employer informed us that you were a part-time rather than full-time employee.

or

A department store in this city told us that you were several months behind on your payments.

or

The local branch office of a finance company informed us that it had turned your account with them over to a collection agency.

or

A bank in this city told us that your checking account was consistently overdrawn.

We appreciate your patronage, and invite you to shop with us on a cash basis.

Very truly yours,

RICHARD ROE,
*Credit Manager.*

*II. Acceptable disclosure of investigative consumer reports under §606(a)(1)*

[This is to inform you that as part of our procedure for processing your (initial insurance) (renewal insurance) (credit) (employment) application] [when a separate notice is used]

or

[In making this application (for insurance) (for credit) (for employment) (when disclosed in the application*) it is understood that] an investigation may be made whereby information is obtained through personal interviews with your neighbors, friends, or others with whom you are acquainted. This inquiry includes information as to your character, general reputation, personal characteristics and mode of living. You have the right to make a written request within a reasonable period of time to receive additional, detailed information about the nature and scope of this investigation.

*III. Appendix 603(d)(3)(C) contract*

ABC FINANCE COMPANY.
DEALER NAME & ADDRESS.

GENTLEMEN: Pursuant to provisions of the Fair Credit Reporting Act (Public Law #91-508—Title VI of the Consumer Credit Protection Act) and in connection with retail installment sales transactions submitted to us for purchase, the law and this agreement requires you to notify each prospective purchaser of our name and local branch address when such purchase is intended for personal, family or household use.

This letter constitutes your representation and warranty to us that you will fully comply with the foregoing requirement.

Kindly confirm and acknowledge this understanding by signing the duplicate copy of this agreement which should be returned to us in the enclosed business reply envelope for which no postage is required.

Thank you for your cooperation.

_____ _____,
*Manager.*

Agreed:

_____ _____,
_____.

*Disclosure incorporated in an insurance or employment application, or other document must be clear, conspicuous, separately stated, and placed so as likely to be read.

## EQUAL TREATMENT FOR PUERTO RICO

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BADILLO. Mr. Speaker, on several occasions I have called to our colleagues' attention the fact that American citizens in Puerto Rico are being discriminated against and that these 2.7 million men, women, and children are not receiving their full and fair share of Federal assistance.

Aside from being specifically excluded by statute from a number of Federal programs, Pureto Rico is the victim of discrimination in more subtle ways, such as the imposition of unrealistic and arbitrary ceilings or outmoded formulas based on the low average per capita income of the island. Not only have American citizens in Puerto Rico been treated as second-class citizens for countless years but this situation is being perpetuated through ill-conceived legislative and executive programs. The welfare program—family assistance and aid to the aged, blind, and disabled—of H.R. 1, for example, provides that Puerto Rico will only participate to the extent of 55 percent as that of the 50 States.

There is no sound reason why Puerto Rico should not be treated the same as one of the States and reforms must be made now. In my speech of May 4 I called upon our colleagues in both bodies to see to it that Puerto Rico is included and equitably treated in every piece of legislation coming before the Congress.

I am delighted to report that the distinguished Governor of Puerto Rico—the Honorable Luis A. Ferré—has joined in this effort to end the present discrimination and to achieve full equality with the mainland. In a recent conference with the President, Governor Ferré urged that the island be given a full share of available funds and that Puerto Rico receive equal treatment as soon as possible.

I am especially pleased that Governor Ferré has raised this issue with the President as he is the chief spokesman for the Commonwealth. Furthermore, as he is affiliated with the Republican Party, Governor Ferré's participation in this important undertaking clearly makes it bipartisan and, I am hopeful, it will lead to even broader bipartisan support for meaningful and effective reforms.

Mr. Speaker, last weekend a front page article appeared in the San Juan Star regarding the Governor's meeting with the President and his call for equality. I am anxious to share with our colleagues the Governor's message and I present herewith, for inclusion in the RECORD, excerpts from the San Juan Star article:

[From the San Juan Star, May 29, 1971]

FERRÉ ASKS FULL SHARE OF U.S. AID FOR PUERTO RICO—NIXON TOLD "PUERTO RICO NEEDS LIKE STATES"

(By Ed Konstant)

WASHINGTON.—President Nixon was asked Friday by Gov. Ferre to help end the "discrimination" against Puerto Rico in federal aid programs by giving it a full share of available funds.

Ferre's strongest request to date for "equal treatment" with the states was made during a 25-minute meeting between the two at the White House. Ferre also talked with Nixon about his plan to create a North-South Center of "understanding" in Puerto Rico and the Commonwealth's desire to maintain a flexible minimum wage policy on the island.

"I think he was very understanding," Ferre said of his conversation with Nixon. "His comments made me feel he appreciated them." However, when asked whether he received any commitments from Nixon, he replied:

"Presidents never make commitments."

Thes Governor was accompanied by his daughter Rosario Ferre De Trigo when he arrived at the White House for his appointment with the President. His daughter was also with him on his last meeting there with Nixon in 1969, through the two men have talked briefly in between, most recently at the Republican governors conference in Williamsburg, VA. Nixon walked down the path with the Governor and his daughter to their waiting limousine as they left the executive mansion at 11:25 a.m. They chatted and laughed, pausing halfway as photographers clicked away and newsmen sought to catch an earful of the conversation.

Just before reaching the limousine, the Governor invited the President to make a visit to Puerto Rico. But Nixon was noncommittal, noting that he frequently made trips to Florida and the Bahamas.

Ferre made a point of stressing the natural attractions of El Convento Beach near Fajardo. Calling it the "most beautiful" place in the world, the governor told his host, "you'll love it." Nixon, he said later, received the invitation "courteously" but would not commit himself.

Meeting with newsmen later at his press conference, Ferre said he told the President setting a limit on appropriations for Puerto Rico is "not really fair" because the Commonwealth has the "same needs as the states." There should be no discrimination between them, he added, regardless of the fact that Puerto Rico does not contribute to the federal treasury.

Ferre cited the proposed welfare reform legislation in Congress as an example. To deny Puerto Rico full participation, he said, only helps to perpetuate widespread poverty on the island. It was similar to comments made several days ago by Rep. Herman Badillo, D-NY., though less vehement.

The Governor said the 58 per cent share Puerto Rico would get under proposed welfare reform was akin to treating cancer patients in New York and other states, but giving the victim in Puerto Rico only "half cancer treatment."

"The present administration has done well to get us a higher percentage," the Governor explained. "But we feel that is not enough and that Puerto Rico should have equal treatment as soon as possible."

The Governor added that he told the President he feels the United States "should

focus" more of its attention on South America and that a North-South Center could make Puerto Rico the link between both continents and foster a "better understanding between the two cultures."

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## ADDED REASONS FOR NEW ENGLAND HYDRO POWER

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## HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. HATHAWAY. Mr. Speaker, in the past several days, there have been a number of incisive articles in the Nation's press which combine to point up the need for development by the Federal Government of a source of hydroelectric power in New England, such as was authorized by Congress in 1965 in the form of the proposed Dickey-Lincoln School power project in northern Maine. That project has since been funded in the amount of $2.2 million, with about $1.5 million still required before preconstruction planning can be completed and actual building of the facility gotten underway. Last week, I requested that the House Appropriations Subcommittee of Public Works include $800,000 for continued preconstruction planning funds for the project in the fiscal 1972 public works appropriations bill.

In the past, the argument for the introduction of hydroelectric power to New England has generally centered on the power-reliability, nonpolluting, and reduced-cost aspects of such a source. But as the following articles suggest, the argument is gaining the force of new considerations. The first of these, suggested by Tom O'Toole in the Washington Post, Joyce Eggington in the Los Angeles Times, and the May 28 edition of the Rural Electric Newsletter, is that this country cannot afford to place too much reliance on nuclear power as the solution to our critical need for sources of electric energy. The second, detailed in an article by Robert L. Miller in the Bangor, Maine, Daily News, points to the prospect of massive hydroelectric-power development in Canada, and the consequent irony of paying our northern neighbor considerably more for a product we could provide ourselves at little cost.

The articles referred to follow:

### A-PLANTS FACE DELAYS AFTER FAILURE IN TESTS

(By Thomas O'Toole)

At least five and as many as 56 atomic power plants being built in the United States face construction and operation delays as the result of tests showing possibly defective designs in their nuclear-fueled reactors.

The five plants alone represent an investment of more than $1 billion and an electric power output of more than four million kilowatts, enough to light up a city the size of Chicago. Long delays in these plants could trigger power crises in Florida, New York and Michigan, where they are being built.

Far more serious is the impact long delays might have on 51 more plants being built or about to be built; these account for more than 42 million kilowatts of planned power and an investment of over $10 billion in more than 20 states. Lengthy delays in their construction could trigger a nationwide power shortage.

The delays were caused by six straight failures of laboratory-sized atomic reactors to cool themselves down in emergencies called "loss of coolant" failures. Each time, the emergency procedure for cooling down the hot nuclear cores backfired in tests, causing the simulated reactors to close themselves down.

"These tests were not fair models of real reactors," one Atomic Energy Commission official said. "Nevertheless, we have to be concerned by the failures and the outside possibility that we might have a fundamental problem in design."

The chances of basic design problems are slim, AEC officials said. But if the emergency coolant designs don't work it would affect the nuclear plants being built and the 16 plants already in operation.

If the designs prove defective, plants operating today might have to be closed while the designs were being corrected.

"We have told five utilities they can expect licensing delays on five nuclear power plants," an official of the TEC's regulatory staff said yesterday.

"These five were chosen because they were all at a juncture where some action had to be taken. They had to be told they could not meet their deadlines."

The five utilities are Consolidated Edison Co. and Long Island Light Co., in New York, Florida Power & Light Co., and Detroit Edison Co. and Consumers Power Co. in Michigan. The Con Ed, Florida P&L and Consumers Power plants are ready to begin producing electricity; the other two are about to begin construction.

The length of the operation and construction delays is anybody's guess. One AEC official said the five utilities can expect delays of at least one month and probably three months.

The tests that turned up the loss-of-coolant failures were what engineers call "blowdown" tests. They were conducted on semi-scale reactor mockups at the National Reactor Testing Station in Idaho Falls, Idaho.

In the tests, engineers pretended that a water-cooled reactor under pressure had suddenly lost its cooling water at the same time that it suffered a "blowdown," which is a rupture in the piping that carries the coolant through the reactor.

The tests showed that when emergency water was flooded in through the piping to cool down the core, it did not get to the core because pressurized steam built up and wouldn't let it in.

"The tests seemed to indicate," one source said, "that there is a possibility the steam pressure within the vessel could prevent the core cooling water from entering the vessel. It appeared as if the core cooling water was being forced out of a break in the recirculation loop."

Engineers noted that the test results don't prove a design defect, since the tests were carried out on a model vastly different from a full-scale reactor. Only one prime coolant loop is used in the model, whereas four are used on real reactors.

Nonetheless, the test results were viewed as serious in the most conservative AEC circles.

"If you get a loss of coolant and then a loss of emergency coolant in a real accident," one official said, "your reactor core would overheat and probably melt under temperatures in excess of 5,000 degrees.

"The core would probably crumble," he went on, "and although you've got 10 or 12 feet of reinforced concrete under the core it might melt through all that. There would be steam explosions and there is a possibility of the reactor bursting. Nobody knows for sure what would happen."

### SCIENTIST WARNS OF LIVING NEAR NUCLEAR REACTOR

(By Joyce Egginton)

NEW YORK.—Anyone born within a 50 mile radius of a nuclear reactor, particularly a reactor of the boiling water type, has a less-than-normal chance of surviving the first year of life, an expert in radiation physics told a public hearing in New York State.

This opinion, backed by statistical evidence, was advanced by Ernest J. Sternglass, professor of radiology at Pittsburgh University, in opposition to a proposal to build a huge reactor on Long Island Sound, 50 miles from New York City.

During the past six months Sternglass, helped by a small team of research assistants, has been investigating the effects of escaping radioactive gases and liquids from nuclear reactors. In 11 out of the 12 reactors investigated he claims to have found "a perfect correlation" between increases in infant mortality and increase in the escape of radioactive substances. (The 12th, in a sparsely-populated area of Massachusetts, is regarded as an unusually "clean" reactor.)

The relationship between the two sets of statistics has never been looked at before, says Sternglass. The Atomic Energy Commission and similar authorities in other western countries have always set their permissible limits for escaping gases according to the known tolerance of adults.

But, he asserts, radiation levels hundreds of times below these limits can be deadly to the human embryo. He urges that the building of all new reactors cease immediately and that existing ones be either put out of action or fitted with devices to trap all the gaseous emissions.

"The technology for doing this has existed for 15 years, but it has not been applied to reactors because it is very costly and was thought unnecessary," Sternglass maintains.

Sternglass caused considerable controversy almost two years ago when he announced his theory that radioactive fallout from atomic tests had caused genetic damage to humans. He claimed then that there was a direct relationship between formerly inexplicable rises in the incidence of infant mortality and infant leukemia in certain areas and the path of the fall-out from major nuclear tests, before the 1963 test ban.

These peaks in infant mortality sometimes persisted until five years after the fall-out, Sternglass said, suggesting genetic damage to parents before their children were even conceived.

Sternglass has been criticized for these conclusions by nuclear scientists, and particularly by the Atomic Energy Commission.

But so far, no one has been able to disprove them and there has been a small but growing body of support for him among American scientists. He is continuing his research on radiation hazards, helped by a team of enthusiastic students at Pittsburgh University.

"It had not occurred to me that there were any serious hazards from nuclear reactors until last year, when I read the AEC statistics of how much radioactive gas is coming out of the stacks and into the rivers," Sternglass said in an interview. "Before that, for the whole of my professional life, I was convinced that since it is possible to make the air in a nuclear submarine safe for men to breathe for three months, nuclear reactors were made equally safe for the surrounding population. But then I started to check the facts."

He and his assistants began by visiting Dresden, Ill. 45 miles south-west of Chicago. The Dresden reactor, located in an area of dense population, began leaking in 1961 and did so at an increasing rate until 1966, Sternglass determined from official statistics. He also found a corresponding rise in the inci-

dence of infant mortality, from 24 to 25.5 per thousand live births, for the same period, tapering off beyond the 5-mile radius. Most of the babies died in the first few days of life from respiratory diseases and general immaturity.

"The most significant piece of evidence is that in Grundy County, where the plant is situated, the births of premature babies rose by 140 per cent between 1964 and 1966," Sternglass said. By 1968 the Dresden area's excess of infant mortality over a comparable area in the Middle West—Ohio, which had much the same infant mortality rate before the reactor started—was such that 4,000 more babies had died in the neighborhood of the reactor.

Sternglass believes that most, perhaps all, of the 4,000 deaths are directly attributable to nuclear leakages, although these fell well within the AEC's acceptable limits.

These limits, based upon the reliable amounts of X-rays that can be used upon adults "misrepresent the biological hazards," Sternglass maintains. They also fail to take into account the way in which radioactive material may be recycled in local food supplies and water.

He believes that the hazards increase with proximity to the reactor. "At five miles distance it is ten times worse than it is 50 miles away. People living really close to a plant are suffering without knowing it."

The Sternglass team found that Dresden was not an isolated case. There was a comparable increase in infant mortality near 10 other U.S. reactors visited.

Sternglass feels that the pressurized water reactors are safer than the boiling water variety, although the hazards are still considerable. The 19 nuclear power plants which existed in the United States at the end of 1970 are fairly equally divided between the two. Eleven more are scheduled to be completed this year, mostly to generate electricity.

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N-PLANT PROBLEMS ADD TO POWER CRISIS

Design problems in several large nuclear power plants could trigger power crises in Florida, New York and Michigan.

The Atomic Energy Commission said Wednesday it is reviewing a technical problem which could cause delay in making five atomic power plants operational in those states. The AEC said there is an outside chance that if the problem proves to be of sufficient importance, some of the 21 plants now operating might have to close down temporarily.

Far more serious is the impact long delays might have on 51 more plants being built or about to be built. These account for more than 42-million kilowatts of planned power and delays would cause further shortages of power all across the nation.

The delays in the five plants now undergoing licensing procedures were caused by six straight failures of laboratory sized atomic reactors to cool themselves down in emergencies called "loss of coolant" failures.

An AEC official said that the five utilities can expect licensing delays on the power plants of at least a month and probably three months.

The five plants are the Palisades plant operated by Consumers Power Co. of Michigan, Enrico Fermi plant by Detroit Edison of Michigan; Consolidated Edison of New York's Indian Point; the Shoreham operated by the Long Island Lighting Co., Long Island, N.Y.; and the Turkey Point plant of Florida Power and Light.

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QUEBEC WOULD DAM 10 RIVERS FOR POWER

(By Robert L. Miller)

TORONTO.—While urban Americans are dusting off their air conditioners and steeling themselves for the inevitable power "brownouts" this summer, Quebec Premier Robert Bourassa is making long-range plans to come to the rescue.

Hydro-Quebec, a province-owned utility, already has agreed to provide extra power to New York's mighty and sometimes maligned Consolidated Edison during the peak summer months of electricity consumption.

But that's for this year. In the years ahead, according to every known study, the U.S. shortage of energy—particularly hydroelectric power—is going to become more acute. If New York needs emergency help in 1971, what in the world will it do in 1981?

Premier Bourassa says he has the answer, and he has announced that his government will go ahead with an almost-fantastic plan to harness the wild rivers running through Northern Quebec into James Bay in the sub-Arctic.

Bourassa's James Bay project is so huge that the premier doesn't even know what it will cost, although he estimated a total outlay of from $5 billion to $6 billion.

Involved in the plan, whose final details have not been revealed, is the damming of no fewer than 10 rivers and the diversion of five others. The 10-year development will require construction of hundreds of millions of dollars worth of roads and other facilities in what is now virtual wilderness.

The James Bay plan dwarfs the giant Labrador hydro project at Churchill Falls, where $800 million has been earmarked to generate electricity ultimately intended for New England.

According to insiders in Montreal, fundamental to the James Bay project is a deal—volume and price-per-kilowatt are yet to be finalized—between Hydro Quebec and Con Ed, under which the New York utility will buy huge quantities of power over something like two decades.

It is also understood that Con Ed has agreed to help Quebec raise capital in the New York money market. On his recent trip to Europe, Bourassa sounded out potential investors in the James Bay scheme and reportedly closed deals with West German banks and Compagnie Generale d'Electricite, France's largest manufacturer of electrical equipment.

If Bourassa, Hydro-Quebec and the northern rivers can manage to keep Mr. and Mrs. America's air conditioner operating during the summer heat waves, they will earn considerable gratitude in the United States. But Bourassa is a Quebec politician, and it is home approval that he needs.

Behind the James Bay deal, and even behind the timing of its announcement are three separate but inter-related stories of potentially large political importance in Canada.

First, Bourassa revealed his intentions at a celebration marking the first anniversary of his election as head of the Quebec government—an election in which he beat back the challenge of the separatist Parti Quebecois, largely with the help of a slogan promising 100,000 new jobs in 1971.

Today Bourassa says that the 100,000-jobs slogan was symbolic of a goal rather than a flat promise. Sadly, the jobs picture in Quebec is bleaker now than it was a year ago, thanks largely to federal anti-inflation policies and to continuing investor uneasiness following last fall's terrorist crisis.

Bourassa is concerned over his failure in the employment field, and in discussing the James Bay power project, his aides talk grandly of 146,000 new jobs including 20,000 construction openings. One thing is certain, and Bourassa knows it; somehow, he has to improve dramatically the employment picture before the next election. Otherwise, the separatists could be formidable at the polls.

Second, the Hydro-Quebec scheme presumably will proceed before any conclusions are reached in the continuing Canadian-U.S. discussions over the wisdom of developing what Washington now likes to call a "continental approach" to energy policy. The facts are, simply, that the United States is running short of energy; Canada has colossal reserves and obviously must somehow supply the U.S. demand. The questions are how and at what price the supplies will be made available. So far the federal government in Ottawa has not laid down a policy. With Hydro-Quebec going ahead with the James Bay plan, the thinkers in Ottawa may be spurred to an earlier decision.

Finally, although Bourassa has shown himself to be a fierce Quebec "nationalist" in cultural and constitutional affairs, he has been anything but nationalistic when it comes to money. At a time when many Canadian politicians are issuing solemn warnings about the perils of more foreign investment, Bourassa has been taking the opposite course. He stresses that Quebec wants all the development money it can get.

Canada's economic nationalists can be expected to criticize the James Bay plan. Besides their concern about the vast sums of foreign capital required, the nationalists also worry about what they call the sellout of Canada's resources, including hydro power. The James Bay project is expected to generate four times as much power as greater Montreal consumes today. Those 15 northern rivers are flowing right now, and have been since the last Ice Age. At the moment, the 15 combined wouldn't light a 10-watt bulb and they won't until somebody harnesses them. It is the same thing with the rest of the resources which make the nationalists so proud. They have no value until they're developed.

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## DR. LEWIS NOBLES

## HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. GRIFFIN. Mr. Speaker, on April 16, 1971, Mississippi College president, Dr. Lewis Nobles, gave an address at a dinner of Phi Delta Kappa.

Dr. Nobles expressed with great clarity and eloquence the need for discipline in all walks of life as a worthy and necessary attribute for successful and meaningful living in an orderly society.

I commend Dr. Nobles' thoughts to the attention of my colleagues:

ADDRESS BY DR. LEWIS NOBLES

I have had the privilege of spending most of my adult life in the field of higher education working with people of various nationalities, backgrounds, and interests. Often at these times I have found myself to be looking intently with introspection relative to this area in which I have spent most of my adult life; this view has been on some occasions critical, but always affectionate.

Before World War II America was to the rest of the world still the land of hope, of opportunity, and of promise. The American was still a curiosity abroad and he was seen as something vigorous and new, uncluttered with the traditions of the old, prosperous, bright, fresh and free.

In World War II the American was seen abroad in great numbers and in the unglamorous theatre of war, he was found indeed to be much as a man from many another land, with the same frailties and the same vanities, but he fought with riches as well as blood in a rather clear-cut defense of human liberty.

Thereafter, America was, once again, the country of hope, the people of generosity and compassion, for in 1947 the Marshall Plan was announced to a war-weary world. It was

an act conceived in a spirit of friendliness and generosity and it was seen in that way. Anthony Eden described it as "the most unsordid act in history." Another European statesman called it "unparalleled in the world's history, both as to motivation and generosity."

Since that day more than twenty years ago our Nation has sent more than 175-billion dollars to help other nations, a sum not far short of being one thousand dollars for every man, woman and child in America.

Not that America has attempted to pay for its world citizenship in money alone; it has since fought wars almost alone in its difficult new role as a world policeman. It has sponsored a Peace Corps and is the cornerstone of every alliance and program for peace throughout the free world.

And in these years the American has indeed become a world citizen. His embassies and products and business men are now encountered in every land on earth.

But while all of this worldliness has been manifesting itself, something seems to have been happening at home; no one thing perhaps, but a rising frequency of worrying events. A president, his brother, and a major civil rights leader are murdered. Students demonstrate and their methods include the unlawful. Riots and bombings come to our big cities. The streets of our Nation's capital and of fashionable downtown New York City become unsafe after dark. The United States courtroom is a circus and thousands jeer when a judge charges contempt.

So, how do I answer the question of my European acquaintances when they ask, "What is happening to your country?" This is not a question of those biased against America, but of friends, many of whom have lived here, who have family here, or who have come here regularly. How is one to answer them? Indeed, something is happening in my homeland. From a distance one can take perhaps a more dispassionate view and possibly arrive at a more objective answer. This I have tried to do but I am not completely satisfied at what I have determined.

First, I have talked with many Europeans who know America well. By and large they are in all truth our devoted friends, and I have found that perhaps the best source of opinion in such regard is from other Americans living abroad and I have questioned them. Next, one comes home and gets a periodic refresher course from business and academic friends, and then, of course, there are one's friends and own children who, as all of you would recognize, are not without their own views. Add to this finally the endless reading that one does when he is concerned about his native country.

Let me try to make some observations from this background. They will doubtless be heavily colored by my own views for which I ask your patience and understanding.

One qualifying comment if I may: No country and no people can claim to have a corner on wisdom. There are glaring imperfections and problems everywhere; however, our neighbors' shortcomings don't excuse our own. Therefore, let us try to look at ourselves in comparison, but as absolutely and objectively as possible.

To begin, viewed from this viewpoint one sees much in America that is inordinately good. May I mention just three brief examples.

First, America is still the land of opportunity. It is the best thing going; hobbling traditions are at a minimum. No, you don't like the Federal tax collector and you don't like Government interference in much that you do, yet one does have here some opportunity to get ahead. In many another land this is almost impossible; the accumulation of money is viewed as a sin, not a mark of success. It is still possible in America to pay a man, to give him some incentives for performance. The individual's freedom is still greater here than anywhere else. Because of this ability to encourage and reward, this is still the land of opportunity and with that the land of innovation and of technological promise.

Second, America has the heart and courage to tackle our major problems. Whatever the past and whatever one's qualifying words, this is an act of great courage; and whatever may be the results, this is still one of man's great humanitarian efforts.

Third, and appropriate to observe on this occasion particularly, is the great strength of America's system of education. America is decades in the vanguard in making education available broadly to everyone who can benefit from it. Whatever its shortcomings, it is providing America not only with leaders and innovators, but also with a great middle strength, a fairly enlightened populace that should be able to ride out the storms that are due to continue in this world through the foreseeable future.

These are only a limited number of examples of our great good, and these are set against a background of affluence, of many strengths and accomplishments. In light of all this, what is this silliness that seems to be cluttering our minds as well as our newspapers and television sets?

Why aren't the streets of New York safe to walk on? Why is a bank smashed up down in Santa Barbara? Because some young people profess to see a bank as a symbol of the terror and oppression this country perpetuates? Why is a university president's office invaded and his personal files rifled and thrown on the floor? Why is another university president's office burned down? Why does an accused individual have to be bound and gagged for the due process of law to succeed? Why does a contempt charge against a middle-aged defense lawyer bring forth protest marchers who yell anarchy and depression? What have we done to produce youth who say that "If a society is not going to become perfect quickly, then it had better be destroyed quickly."

The anatomy of a society or country is not determined solely by its physical measurements. The availability of raw materials, the state of industrialization, the extent of education, etc., are all factors, of course, but there are others as well. They include what I will call national attitudes, the views and prejudices that come from the history and ethnic background of the society, the state of mind that reflects its traditions and experiences. National attitudes are as definite as geography. They vary greatly under seemingly similar circumstances and they must be identified and studied if a society's actions are to be understood. Let's see if somewhere in here we can find the anwers to our questions about contemporary America.

Around the start of this century America was still basically a northern European transplant. It attitudes were still European. Many of us in this very room were born into families whose disciplines and moralities were those of Victorian England. Frugality, morality, parental discipline—as rigid in Eureka as in Edinburg.

This was a national attitude, and it characterized America as much as did the fact that we had an unspoiled land of millions of square miles. The America that we inherited was not only a great land with a heritage of freedom and an economy that technology was to turn into one of new abundance, but we were a disciplined people as well.

Nature has a multitude of disciplines. As man evolved from the cave to the city, some of these disciplines disappeared, some have altered and some of them remain. An example—one's physical safety—becomes of less immediate concern. On the other hand, one of the surviving ones had been the requirement that the individual must somehow contribute to the group in a manner that would allow him to share in its bounty. Even in my boyhood days there was an idea that one must earn his living; with new concepts of social security that discipline has become much less rigid. The weakening or removal of a discipline is an event of great sociological importance. Let's look at just this one—the matter of having to be self-sufficient—of having to make one's own way. How many times do we see the decay of a family after one generation of affluence, the sons who dissipate the inheritance and pass into oblivion. Here the removal of a discipline has had no compensation, such as the application of another.

The imposition of new discipline under such circumstances does occur. The five grandsons of John D. Rockefeller are as hardworking and constructive and useful as can be. Indeed, an imposed discipline can be invoked and passed along in families and groups, but for society at large to impose a new attitude of dedication as the old restraints go away seems to be very difficult.

Now to impose an arbitrary self-discipline is no doubt hard at any time, but at this time in America's history it is more than difficult for one of the most unmistakable marks of this era and the Western World is its radical renunciation of restraints. This is the age of permissiveness.

It is as though we revolted because of a sense of guilt from the confines of mid-Victorianism. Somehow the Puritan ethic became discredited. We renounced discipline as though we now found it opposed to freedom. We rejected authority as though it were undemocratic and evil in culmination. The recent decades have seen us go through the most unbelievable contortions to attempt to become understanding of the criminal, tolerant of the lawless, and subservient to the young generation. We have become so understanding, so tolerant, so permissive, retreating before any and every attack on our old codes of restraint and discipline. We are forever on the defensive as if our every shortcoming were a crime for which we are now being found out. Yes, it would seem that it has become wrong to interfere in any fashion with the actions of anyone, no matter how they may invade my privacy or your sensitivity. Sit-ins, sick-outs, love-ins, fake-outs, we submit to them benignly as though they were as out of control as the weather. In Washington, D.C., as indeed in other places, drug taking by teenagers has become a most serious problem. A *London Times* correspondent there questioned a large number of high school teachers, and one question was about the attitude of the parents of those youngsters. The answer was, "If you ring the parents merely on suspicion, they either threaten to sue you, or say they know all about it but what can they do." No control by parents over children of high school age and no support whatsoever for the poor teacher! These are some of the marks of an attitude in our society. To the outside world many of the children of America are seen as a most undisciplined lot. I know that you recognize that as compared with the West European the American young person is allowed to run unbridled and unchecked. The American parent seems to look upon his child as the embodiment of all that is sacred, noble, and sagacious. He pampers, pets him, and serves him.

Every generation no matter what the level of discipline produces its share of dissidents, but a twenty-year-old generation that has no parental restraints and has no respect for authority could only be expected to appear as a mob of revolutionaries. Thus, if some in a university student body disagree with draft regulations, for example, is that a valid reason to shut down the whole process of education? Some in the business community, I feel certain, would disagree with many features of the Federal tax system; therefore, I suppose by the same analogy we should shut down the whole process of industrial

operation and let the society go without food or clothing or transportation.

The student in our society is being accorded the supreme privilege of higher learning. Higher education whether at the secondary or collegiate level is one of the most precious privileges that society can confer, and precisely because students are so privileged, those who would destroy this privilege deserve so little themselves. Where appropriate, certainly, we should listen to our young people and we should love and understand them, but we will do well to discard the ridiculous view that all discipline of our young today must be prefaced with an apology.

It is often asked whether the young person of today is not a different creature, whether his new computerized world doesn't require that he throw off the old shackles of restraint and embrace new customs and concepts, perhaps at odds with the past.

If by that is meant shouldn't he go on with work on population control, on improving public health, on supplying broad education everywhere, on preserving the environment, the answer is an unqualified *yes*.

But if the question implies that the next generation and the one after that are a new kind of human being who should live by totally new patterns of behavior, I for one would suggest that the answer is *no*. No twenty-year-old is simply the product of his twenty years; he is the product of thousands of years of heredity—hundreds of generations—throughout which rules have constantly grown outmoded and have been changed, injustice has existed and has been fought endlessly, unjust wars have occurred forever, unending pain has been the cost of progress—but man has persevered. No, unfortunately the twenty-year-old of today must of necessity go along much of the same tortuous path. He will be healthier, better educated, and possess superior technology but he will still be much the same inside.

And those of this generation will find that the time-tested patterns of restraint will be required as it has been for all of us before if they are to have a chance of being even moderately successful during their hours of greatest need.

They will need an orderly society working within the confines of some reasonable set of laws. It might be possible, though I doubt it, for our system to be torn down by revolt; but if that did occur, then their hopes would indeed be shattered. Our greatest gift to them is to preserve this system, or something like it, even with all its faults for it is one that history has demonstrated to be a good instrument for evolution and progress. We can do them no greater disservice than to show a high degree of tolerance for laxity and carelessness and lawlessness as we allow in the mire of permissiveness.

The attitude of a people!

In 1922 Sir James Barry gave an address while rector of St. Andrews University in Scotland and in it were those often quoted words: "Mighty are the universities of Scotland and they will prevail, but even in your highest exaltation never forget that they are not four but five and the fifth and the greatest of them is the poor, proud homes from which you come."

These words were not the opinion of a man; they related to the underlying feeling of a people. Can you imagine the circus trial of the Chicago seven occurring in Scotland in 1920?

May I suggest that as a society we think now about a return to some of the disciplines of those years and let's be clear that we aren't addressing our young people but ourselves, you and me and you.

It isn't right to look elsewhere for help if we are talking about our own children. No, please don't suggest that the school is the place for discipline. Our system of education is to educate, not babysit. Not only shouldn't we look to educators to be parents, it isn't fair to foist the undisciplined child on them.

I have spoken here possibly too much about parents and children, but you will understand that I mean discipline in a much wider sense. It is only as we as a people reconstruct some belief in discipline that the manifest ills of bombings and window smashings and sit-ins and courthouse circuses can be expected to abate. It is only through believing in the inherent right of privacy, of respect for law, of reverence for justice, and then subjecting ourselves to the discipline required that the attitude of a society will be revealed to that society.

Sadly, no one can say of America that this is her finest hour. I believe that the young who want progress will see this and that they will learn that the annoyances and distractions of bombings and public demonstrations by the undisciplined will slow them down even as it does us today, and their future judgment of you and me might be more severe—more severe than for the fact that we got stuck in Vietnam or polluted the atmosphere in which we live.

And so as my friends ask me, "What has happened to America?" I am somewhat perturbed as to the answer.

The much-lamented social breakdown in America need not necessarily be taken so seriously as some have. We have the strength, the ability, the means to handle the problems that stand before us. We need merely to stop pushing ourselves around, to stop this punishing self-criticism that concludes that because some things are imperfect then everything is wrong. We need merely to sober up and stop behaving like adolescents.

I for one don't believe that our pioneer forefathers would be very proud of us for this lapse of common sense. They worked too hard and faced too many real problems to be happy seeing us afraid of our own shadows.

On this night when we pay tribute to a man and the institution of education that he and men before and about him have created, we can make them no better gift than the resolution to embrace again some of the time-tested practices of discipline. They and the children we send to them will both be grateful.

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## THE INDIANOPOLIS 500-MILE AUTOMOBILE RACE

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BRAY. Mr. Speaker, for 60 years the Indianapolis 500-Mile Memorial Day Race has drawn world attention. The 55th running of this classic on May 29, 1971, was perhaps the greatest. The first race was held in 1911, but the race was suspended for 5 years during World Wars I and II.

There were 300,000 spectators viewing this greatest spectacle in racing, this year, and they were as colorful and interesting as the race itself. Visitors came to Indianapolis from all walks of life—millionaires and laborers, bankers and mechanics, farmers and students, clerks and teachers, ministers and musicians. There were old and young, long hairs, and crew cuts, black and white. Families far outnumbered that unattached. Every State in the Union was represented as well as scores of foreign countries.

It was an occasion dominated by fun, enthusiasm, and intense interest. Yes, this race has its dangers and there have been tragedies in the past. But thousands of us owe our lives to the safety precautions developed for and experience gained in the Indianapolis 500, a race that tests man and machine to the utmost. The entire world has gained from the experience of drivers at the 500, the lessons learned on the structures of metal and the building of machines, the improvements in fuels, lubricants, and tires.

The race is not a one-man affair, but the work of teams. The teams are made up of the owners of the car, the driver, the mechanics in the pit, and the car itself. On the track we see the results of those who through the years, in the shops and at the benches, at the machines and in the smelters, in the drafting room and on the test track, have developed this world of precision machinery.

Just as we saw racing at its best, we also saw courage and selflessness at its finest. Tony Bettenhausen, son of a former racer, brought his car to a screeching halt to assist in saving a fellow driver from a flaming wreck.

It was a great event and we left the track with a rather wholesome feeling of well being. There had been no signs of turmoil and dissension, no chanting of anti-American slogans, no Vietcong flags. Just before the race our National Anthem was played—everyone stood at reverent attention. For several hours on a warm, sunny May afternoon, 300,000 people had been permitted the luxury of total relaxation from the pressures of a very tense world. It was a fitting climax to "Thirty Days in May."

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## BULLOCK'S SUMMER YOUTH FAIR

### HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BELL. Mr. Speaker, since the focus of our efforts here in Washington involves the search for Government solutions to the many problems facing our Nation, it is especially gratifying to learn what some private corporations are doing entirely without Government assistance. An outstanding case in point to which I would like to draw the attention of my colleagues is the program of community service instituted by Bullock's Department Stores of Southern California.

A timely example of Bullock's multifaceted effort in the summer youth fair, a summer youth employment program initiated in one store last summer on an experimental basis. The fair was designed to provide both employment and an educational experience for youth in the Los Angeles area and was so successful that it has been expanded to all Bullock's stores for the coming summer. Assisted by store buyer-managers, students recruited from local high schools operated their own businesses using space provided by the store.

Contributions from Bullock's and from other small businesses in the area pro-

vided the booths, necessary working equipment, and loans for initial inventory, but the students themselves managed and operated each of 11 enterprises: The Art Booth, the Bakery, the Car Wash, the Craft Booth, the Ice Cream Parlor, the Job Exchange, the Make-up Booth, the Melon Patch, the Photo Badge Booth, the Shoe Shine Stand, and the Sign Shop. Student managers met and handled their own payrolls and divided end-of-summer profits among participating young people.

The enthusiastic support this outstanding program has received from all segments of the community—the young participants, their customers, local businesses, and the school district—testifies to the spirit of cooperation and public service which Bullock's has stimulated. This is, indeed, the kind of community service which my colleagues may want to encourage among corporations in their own districts.

In addition to paying well-deserved tribute to Bullock's, Mr. Speaker, I would also like to take this opportunity to commend each of the small businesses which contributed to the success of this program:

Alvins Photographic Supply, Bernardo Sandals, Blake, Moffit and Towne, Bronson Sportswear, Bruns Lee, Fedde Furniture, Foster and Kleiser Outdoor Advertising, Harris Slacks, Hartogs of California, K. C. Product Company, Moore Business Forms, Pasadena Star News, and Ralph's Markets.

Reynolds Print-A-Sign, Riviera Sunglasses, Russo Leather Goods, Supreme Dairy, Wilson Paper Company, Wood and Jones, William Bjorklund, Donald Ball, Mr. McSweeney-John Muir High School, Gerald Meyers, Mr. Proctor-Pasadena High School, Ruth Sweet, Theo, Stuart, and Mr. Walter-Blair High School.

And, in closing, I would like to add a special word of commendation for Mrs. Robin Hague, Bullock's special events director. Mrs. Hague is a dynamic young woman whose creativity and energy played a significant part in the success of the Summer Youth Fair—and in many of Bullock's other outstanding community endeavors.

## OUR SST MISTAKE

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. MICHEL. Mr. Speaker, now that the heat has subsided somewhat in the debate on the question of discontinuing Federal support for development of the SST, the postmortem season now begins and in that regard I noticed an editorial in the Peoria Journal Star today entitled "Our SST Mistake." I ask that the editorial be placed in the RECORD at this point:

OUR SST MISTAKE

The wisdom of the "popular" burial of the SST program here in the United States—after kicking it around in debates for years—remains to be seen.

It is certain that the assault on the SST was a straightforward blast at spending the money plus a shaky series of emotional assumptions about "pollution." They neglected the "ecological" aspects of the decision itself.

Already, we find that while we were debating and ultimately canceling the whole deal, the Russians were working night and day. Their "SST" is now flying across Europe, landing at major cities, and advertising the probable future domination of the field by the USSR.

For more than a generation, U.S. aeronautics and more recently "aero-space" has led the world, and more than mere pride or prestige was involved.

The speed, efficiency and safety of U.S. equipment caused it to be widely sought around the world.

Result: Today more than half the total income to the U.S. in foreign trade comes from the sale of such products.

That income has been life-or-death to the stability of the dollar in world markets, and it has gone into American jobs and American prosperity.

Experts say that the loss of that market alone would be so great as to devalue the dollar.

We presently seem bent on losing it by default.

It will be a little late then to consider ALL the aspects and the physical consequences of that political decision.

It is already too late.

Some are eager, today, to go the same route on a long list of things. Let Lockheed sink. Let the Pennsylvania railroad go busted. Stop the ABM production. Cut back the space program. Stop military procurement. Bring the boys back from Germany, Turkey and Vietnam.

Do all these things and more and think of all the money we'd have to spend for poverty, they say!

While you are at it, however, think also of all the poverty we would have, all the jobless people, all the wrecked organizations and wasted skills.

Think how much bigger we would making the basic poverty problem—the welfare problem.

Think of that, too!

Taking money out of jobs to put into welfare payments is not the way to reduce the poverty problem. It is the way to vastly increase it, more likely.

There's some human ecology and economic ecology involved.

## ALTERNATIVES TO REVENUE SHARING

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BINGHAM. Mr. Speaker, for many local leaders, revenue sharing has become a panacea that will solve all the problems of our financially strapped States and cities. In its recently issued Position Paper on revenue sharing, however, the National Issues Committee of the Liberal Party of the State of New York has retained an admirable degree of objectivity, and the result is a particularly balanced assessment of revenue sharing and certain alternatives for achieving increased Federal funds, which most observers agree is essential. The general conclusion of this paper is that a combination of Federal assumption of welfare costs and increased Federal appropriations to existing urban-oriented programs offers a more promising solution to local financial problems than revenue sharing. I want to congratuate Proffi Jacob Loft, chairman of the National Issues Committee of the Liberal Party, and Leonard Polisar, chairman of the subcommittee on revenue sharing, for their excellent work on this paper, many of the conclusions of which I share. I am confident this assessment of revenue sharing and alternatives to it will be of interest to many Members of Congress and readers of the RECORD. The text of the paper follows:

POSITION ON "REVENUE-SHARING," BY NATIONAL ISSUES COMMITTEE, LIBERAL PARTY, MAY 1971

The Liberal Party strongly endorses the concept that a much larger share of state and local governmental costs must be borne either by the federal government or by the redistribution of revenues heretofore preempted by the federal government. However, we believe that there are better alternatives available to accomplish this goal than the much publicized "revenue-sharing" proposals of President Nixon.

1. The Liberal Party has often reiterated in its State Legislative Program its support of "the widely recognized principle that the entire question of apportionment of tax powers, sources and revenues among the federal government, the states and the cities is in desperate need of revision . . . The federal government has preempted the most important sources of tax revenue even as the cities and states need more funds . . . A greater proportion of our total tax dollars must be allocated to state and local governments . . ."

2. The desperate needs of our urban centers cannot, however, be solved by the semantic conversion of moneys already allocated to the cities for specifically-designated purposes into "free" and "unrestricted" funds to be spent at the discretion of the states and/or the municipalities—with only a minimum of "new" federal moneys involved. This nomenclature juggling appears to be aimed more at the harvesting of votes than the saving of our urban centers from the hitherto impossible task of providing an increasing amount of required municipal services with a steadily eroding tax base.

3. A. The most urgent revenue-sharing need today is not only to continue—but to expand considerably—those federal program grants designed to meet the requirements of local areas where intense low-income population density magnifies many-fold the governmental per capita cost of supplying urgently needed health, education and welfare and transit services and police and fire protection. Programed federal aid such as Model Cities, Food Stamps, Head Start, Day Care, etc. required expansion—and not politically expedient curtailment—if the population centers of this country are to have any chance of staving off disaster. The financial crisis facing our cities is extremely real and imminent, and those afflicted areas must be treated with the same urgency as we treat hurricane and earthquake disaster areas.

B. On a near-term basis, the single most important contribution to improved federal-state-local relationships would be a complete takeover of welfare costs by the federal government—up to a realistic and decent national minimal standard. Small differences in the cost-of-living among various communities could then be reflected in those federally-controlled welfare payments. This takeover would remove the back-breaking welfare burden from those urban centers where the welfare problem has been concentrated. It would also help the rural poor even more on a comparative basis. In addition, it would discourage possible welfare recipients from migrating toward the now higher welfare-paying large cities, especially in the North, and would slow down the efforts being exerted in areas such as the rural South to encourage emigration.

4. After welfare payments have become federally-funded, and other urban-aid programs to help rectify inner city problems have been continued and expanded as required, we should then—on a long range basis—examine a true revenue-sharing program, which would:

A. Involve the infusion of new monies into a federal revenue-sharing program—and should provide for dissemination of a large portion of those monies directly to municipalities and not only to the states; or

B. As stated above, reallocate certain tax powers, sources and revenues from the federal government to state and local governments, so that funds could be raised where required without passing through additional administrative handling by the federal government. For example, federal income tax rates could be reduced on the understanding that the state and local governments could then commensurately raise their income tax rates without increasing the individual overall tax burden. A similar result could be accomplished by permitting certain state and local tax payments to be applied as a tax credit against federal income tax.

5. It is regrettable that the New York State Administration, which itself stridently calls for increased revenue-sharing by the federal government, has seen fit to drastically cut its own "revenue-sharing" with its municipalities—and thus forced a heavy curtailment of essential services afforded to its needy inhabitants by those municipalities. The state must itself *increase* its proportion of the tax dollar devoted to such items as education; we urge the complete takeover by the state of the basic costs of public schools as well as public higher education. There must also be an extension of genuine home rule in taxing powers for the large cities.

6. We in the Liberal Party strongly believe in the devotion of a greater proportion of tax dollar to crying social welfare needs rather than to a federal budget weighted heavily towards highly-inflated "defense" spending, spotlighted by an unjust War in Vietnam. Our national priorities must be re-examined and changed—so that emphasis is placed on the cleansing of our environment and the education and rehabilitation of human beings—rather than the perpetuation of a war where success is measured in terms of the number of other human beings killed or the amount of acreage destroyed.

7. All in all, we believe that federal "revenue-sharing" can best be accomplished by federal programs specifically designed to alleviate our urban problems to the greatest extent possible—and especially to underwrite a welfare program that should be national rather than local in scope, as well as a reapportionment of tax powers among governments on the different levels. Because of the truly desperate situation now facing the large cities of the country, there must be also emergency large-scale federal appropriations to be given directly and without delay to such cities. We do not feel that "revenue-sharing" that is a mere semantic interchange of funds already earmarked for worthy purposes to a category that is "unrestricted" in nature can be supported by the Liberal Party or any other liberal-thinking group of Americans.

## TUSCALOOSA COUNTY, ALA., SAFETY PATROL MEMBERS VISIT WASHINGTON

### HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. FLOWERS. Mr. Speaker, recently, a group of elementary school children from Northport, Ala., representing the Tuscaloosa County Schools safety patrols were in Washington on their annual tour. In connection with this trip, oratorical contests were held in the elementary schools. We were privileged to hear three winners of this contest. They were Deidre Burroughs, Crestmont Elementary School; Dawn Wadsworth, Vestavia Elementary School; and Nancy Henry, Matthews Elementary School. The students addressed various Congressmen and Senators, and I am honored to present remarks made by these students for the benefit of my colleagues:

WHAT'S RIGHT WITH AMERICA?

(By Deidre Burroughs, Crestmont Elementary School, Northport, Alabama)

It is very difficult to decide how to begin to tell of the many rights we encounter daily in America. So many things we take for granted when people in other countries over the world are practically prisoners in their homes. One thing that makes our country so unbelievable is its youth. Just think, even as recently as 200 years ago the United States of America did not exist. But during those 200 years, with the belief of "life, liberty, and the pursuit of happiness", the United States has developed its unique culture and grown to maturity.

Compared to older countries of the world such as England, France, Italy, China, ours is still a baby. Yet with a start much like our own these countries' founders must have lacked our forefathers' determination, faith, and ability to realize that with a firm foundation such as our Constitution and Bill of Rights, a great nation could be created.

We have had our many disagreements with other nations and we have had a Civil War within our boundaries. These have left us much wiser, closer together, and taught us very costly lessons. After all these troubled years the United States has always strived for what she thought was right and just. Today, we sometimes fail to realize how fortunate we are to be living here. In many other countries, we would not be permitted to:

Go to the church of our choice; work where we are capable of working; spend our money as we wish; talk to whom we please; read what we wish; think what we please; choose our own friends; vote in elections for people of our own choice; disagree with anyone or anything; go anywhere we please.

These are only a few of the things that are right about America. Anyone want to leave all this? Not me. America, you're the greatest!

WHAT'S RIGHT WITH AMERICA?

(By Dawn Wadsworth, Vestavia Elementary School, Northport, Alabama)

America, the land of the free and the home of the brave. America is a glorious, breathtaking country to live in. I'm going to tell you some of the things that I think are really great about America.

Freedom is what America is all about. Even at my age, I can read the books I wish, sing the songs I want, and choose my own friends. In later years, I'll have the freedom to choose the career that suits me best, live where I would like, and go to the church that best meets my needs.

In America we can better our lives if we are willing to put forth the effort. For instance, if I wanted to become a famous musician, I would first have to learn the keyboard, then I would have to practice several hours each day. After that, I would probably be a famous musician.

Also, America is a land of great natural beauty. There are rolling hills, fertile valleys, clear springs, and huge lakes and ponds. I like the way America changes every season. In the winter it is white and icy, in fall it's windy and colorful, in spring, nature is beginning to come alive and in summer, it's warm and fun.

I admire our country, America, for its high goals and many achievements. People in America are determined to make our country better. Why, just recently three American astronauts went to the moon and came back safely. This shows that people in America are great leaders, but still they have that good old pioneering spirit.

Other countries look up to and respect us because they believe that we have the right ideas. We stand for freedom. We fight for justice. We hope for peace. I'm glad I live in America, aren't you?

WHAT IS RIGHT WITH AMERICA?

(By Nancy Henry, Matthews Elementary School, Northport, Ala.)

What's right with America? Well, not everything, but isn't there always room for improvement in everything? We have a pretty good start with a democracy. Abraham Lincoln defined democracy as "government of the people, by the people and for the people." In our democracy we have many freedoms. Some are: freedom of religion, which means we are free to worship in any church we want to, at any time we want to; freedom of speech, which means we are free to speak and to even protest things that are done with which we do not agree; freedom of the press, which means we are free to print anything we want as long as it is the truth.

Our democracy states that all men are created equal and no one will be mistreated because of race, creed, or color. Our democracy enables us to get an education if we are willing to go through school to get one.

Our democracy isn't all that's right with America. America is a beautiful land. She has forests, lakes, beaches, and wildlife. She has stores, skyscrapers, and other buildings.

America has a proud race of people. These people are willing to face problems. These people are willing to die for their country.

Let us be good Americans. Let us say this with the words of Stephen Vincent Benét, not only with our lips but in our hearts. Let us say this—I myself am a part of democracy, I myself must accept responsibilities. Democracy is not merely a privilege to be enjoyed, it is a trust to keep and maintain. I am an American. I intend to remain an American. I will do my best to wipe from my heart, hate, rancor and political prejudice. I will sustain my government and through good days or bad I will try to serve my country.

## KIWANIS OF MESA, ARIZ., BUILDS SWIMMING POOL FOR LOCAL CHILDREN'S HOME

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. RHODES. Mr. Speaker, the May 1971 issue of the Kiwanis magazine has an article about "Project Splash." This was a project carried out by the members of the Kiwanis Club of Mesa, Ariz. I am proud to be an honorary member of that club and am pleased to include the article in the CONGRESSIONAL RECORD:

BOYS AND GIRLS WORK—PROJECT SPLASH

As many Kiwanis clubs have discovered, community spirit is contagious. No sooner does a Kiwanis club announce a forthcoming project than the entire community replies in a single voice. "That's a good idea, may we help?" Such was the case recently when the members of the Kiwanis Club of Mesa, Arizona, built a swimming pool at a local childrens' home.

In January 1969 the Mesa Kiwanians were looking for a worthy project when one of the

club members suggested the Sunshine Acres Children's Home, a refuge for deserted, orphaned, and delinquent children. The home and the Mesa Kiwanians had enjoyed a long association thanks to a number of previous Kiwanis projects, so the club members decided to return to the home and see what else they might do to help out. In reply, Reverend James Dingman, founder and operator of the home, told the Kiwanians about the tremendous need for a swimming pool at Sunshine Acres.

According to project chairman Bob Neill, club's board of directors was "enthused but cautious" about the idea, and appointed a committee to investigate the feasibility of such a large project. After many months of investigation and analysis of contractor's estimates the special committee reported that despite its size, such a project was within the club's power.

Although the swimming pool is now an accomplished fact, here were many times when the project was saved by the generosity and community spirit of Mesa citizens and businesses. For example, the contractor, Holiday Pools, persuaded all its subcontractors to bill the Kiwanians at cost. Likewise, in May 1970 when the children of Sunshine Acres gathered around for the pool groundbreaking ceremony, the local power and irrigation company announced that it was excavating the hole at no cost as its contribution to the project.

Funds for the actual construction of the pool came from the club's 17th Annual Pancake Day, which netted almost $5000. In addition, several Mesa businessmen contributed such much-needed items as plumbing and fencing to the pool fund.

The pool was completed on August 31, a hot day that made the children anxious to use the pool in the evening after it had been filled from the home's only source of water—a 750-foot well. Unbeknownst of the children, however, Reverend Dingman had learned that the well could not provide the 72,000 gallons of water needed to fill the pool. As before, community spirit stepped in to save the day. As soon as they learned of the difficulty the City of Mesa, its school district, and a commercial water hauler loaned the Kiwanians three water trucks, which for two and a half days were driven out to what had once been the middle of the desert to fill the pool.

The ultimate effect of Project Splash is that for ten hot months of the year 75 institutionalized children will not have to be bussed to a public pool. They now have a fine facility of their own, one that came to them through the community spirit of the Kiwanis Club and people of Mesa, Arizona.

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## LEAD-BASED PAINT POISONING: AN EXAMPLE OF ADMINISTRATION

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BADILLO. Mr. Speaker, on April 23 I was one of a number of Congressmen who cosigned a letter to HEW Secretary Richardson expressing deep concern over the administration's failure to formally request funds, either for fiscal 1971 or fiscal 1972, to carry out the intent of Congress under the Lead-Based Paint Poisoning Act. That legislation authorized $10 million in the current fiscal year and $20 million for fiscal 1972.

In that letter, we urged Secretary Richardson to seek a supplemental appropriation for the current fiscal year and full funding of this necessary program in the new fiscal year.

On May 28, fully 4 weeks after receiving our letter, Secretary Richardson responded to the appeal, and in terms that have become all-too familiar with the current administration. Despite the fact that lead-based paint poisoning continues to claim the lives of small children throughout our Nation, HEW apparently has decided to treat the problem on a pilot project basis. The administration now announces that it will ask Congress for the sum of $2 million in fiscal 1972 and has the unmitigated gall to proclaim that this "signifies the administration's clear intent to mount a concerted effort to eliminate the threat of lead-based paint." It apparently matters little to the administration that HEW currently has before it applications totaling more than $50 million from communities which obviously feel a greater sense of urgency.

Because it so dramatically represents the extent to which this administration's spending priorities are distorted, I insert at this point in the RECORD the full text of Secretary Richardson's reply to my April 23 letter:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
*Washington, D.C., May 28, 1971.*

Hon. HERMAN BADILLO,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. BADILLO: Thank you for your letter of April 23 requesting the Department to seek full funding of the Lead-Based Paint Poisoning Prevention Act. Please excuse our delay in responding to this letter.

As you know, this legislation was enacted late in the last session of Congress and not signed by the President until the basic budget decisions for 1972 were made. Thus, the budget transmitted on January 29 did not include any new funds for implementing the Lead-Based Paint Poisoning Prevention Act.

Since the current fiscal year is nearly over, we will not request a 1971 supplemental. However, the President will shortly transmit an amendment to the 1972 budget requesting $2 million to expand our program to attack the problem of lead-based paint. We would use the additional funds to make a more concerted effort to define the extent of the problem and support model demonstration projects in three communities. In addition, we will continue four projects related to the lead-based paint problem already begun under other legislative authorities at a level of about $200,000. This would bring our total budget for lead-based paint activities to $2.2 million in 1972. While this is considerably less than the amount authorized in the Act, it nevertheless signifies the Administration's clear intent to mount a concerted effort to eliminate the threat of lead-based paint.

With kindest regards,
Sincerely,
/s/ ELLIOT L. RICHARDSON,
*Secretary.*

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## DRUG RESOLUTION OF EAST ORANGE, N.J.

### HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. MINISH. Mr. Speaker, Edward E. Ruhnke, Sr., the city clerk of East Orange, N.J., has sent me a certified copy of Resolution I-183, which was adopted by the city council on May 24 and approved by Mayor William S. Hart, Sr., on the following day.

This resolution calls for the means to halt the illicit traffic in narcotics, which has permitted devastating narcotics to reach our shores and afflict our people.

I agree with the city council that such trafficking must be stopped, and have cosponsored legislation to implement a workable eradication program. One measure would provide that a fixed percentage of U.S. contributions to the United Nations be utilized solely to end trafficking in narcotics as well as supporting multilateral eradication of illegal narcotics production. This legislation would also direct the President to consider withholding U.S. assistance to countries refusing to cooperate in suppressing the drug traffic.

Such legislation must be enacted and swiftly, for as the resolution of the East Orange City Council has pointed out, hard drugs continue to be smuggled into the United States in spite of programs designed to eliminate trafficking.

The text of the resolution follows:

RESOLUTION I-183—CITY COUNCIL OF EAST ORANGE

Whereas, the Republic of Turkey has over the many years last past grown poppies which is the source of heroin; and

Whereas, the Republic of Turkey has attempted with only moderate success to restrict the growth of poppies there;

Whereas, even with such restriction, the illegal exportation of heroin has continued; and

Whereas, the United States of America has continually over many years afforded and given to the Republic of Turkey moneys and other forms of aid for the stability of the Turkish economy and for the rehabilitation of the Turkish people; and

Whereas, the continued illegal exportation of heroin has resulted in its being smuggled into the United States to the destruction of the wellbeing of innumerable persons causing enormous economic loss, human pain and suffering; and

Whereas, it is the desire of the United States of America to join with the Republic of Turkey in the suppression of illegal smuggling of heroin and to aid and support the economy of Turkey by replacement of funds in kind with the suppression of poppy growing; and

Whereas, the continuance of such smuggling of heroin into the United States is in the form of a national calamity,

Now, therefore, be it resolved, That the Congress of the United States, both the Senate and the House of Representatives, be urged to cut off any and all economic aid to the Turkish Government unless the growth of poppies is completely terminated or restricted to such modest form that its output can only be used for medical needs; and

Be it further resolved, That a copy of this resolution be forwarded to President Richard M. Nixon, Senators Clifford P. Case and Harrison A. Williams, Jr. and Congressman Joseph G. Minish.

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## ON THE WAGING OF PEACE

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. SCHMITZ. Mr. Speaker, a penetrating article written by Mr. Henry

Paolucci, professor of political science at St. John's University and vice chairman of the Conservative Party of New York State, appeared in the New York Times of June 1, 1971.

Mr. Paolucci points out that—

Our great danger today comes not from American military arrogance, which is nonexistent, but from the arrogance of our peacemongering, which intoxicates and must eventually paralyze the will to act prudently."

The article follows:

ON THE WAGING OF PEACE: THE DANGER IS NOT FROM THE MILITARY BUT FROM PEACEMONGERS

(By Henry Paolucci)

To the historically trained ear, the most ominous drums of war have always been those pounded in the name of peace.

Those drums are rolling today with a mounting intensity unparalleled in American history. They are telling us (in the rhythms of Adlai Stevenson's eloquence): "We must abolish war to save our collective skins. For so long as this nuclear death-dance continues, tens of millions—perhaps hundreds of millions—are living on borrowed time." Or in the accents of Norman Cousins's frenzied appeal for a world federation of peace-lovers: "At a time when the fingertip of a desperate man can activate a whole switchboard of annihilation, and when defense is represented by retaliatory holocaust, the historical social contract between man and the state has ceased to exist."

The intention of such talk is peace; but its emotional intensity is unquestionably such stuff as wars are made of. When peace is proclaimed as a sovereign value, when its lovers declare themselves disposed to sacrifice all things else for its attainment—even their pledged national allegiance—we can be sure that ignorant armies, terrible with self-righteous banners, are about to clash. For it is not at college teach-ins or on the Op-Ed page of The Times, but in the arena of war that the supreme national sacrifices for peace are ultimately made.

Peace is, like liberty, one of those Janus-faced ideals that look two ways. The Road to Peace remains a peaceful road only so long as no serious obstacles are encountered. According to some wise men, the fiercest wars have been fought to remove man-made obstacles to peace. Hitler was such an obstacle. While the rest of us were plodding down a depressed stretch of the Road to Peace, he mobilized an entire people for war. Yet, what he was ultimately after with his talk of a "New Order" was surely an arrangement of enforceable peace—under which the entire world would indeed be living now, had our physicists not outstripped his in that first great arms race of the nuclear age. Those who finally crushed him in war openly acknowledged that his goal was peace in their branding as "appeasers" all who sought to prevent our military intervention against him.

Wars result from the desire to impose one's will upon others and to resist being imposed upon. Peace is the condition of having one's willful way, whether actively or passively. Even a bawling infant knows the difference between being resisted and being pacified.

The maturity of the Western nations has consisted in their mutual recognition that the desire to establish a regime of enforceable peace over a vast multitude is itself the greatest provocation of war. That fact first impressed itself on Western statesmen during the three decades of war that preceded the so-called Peace of Westphalia, in 1648—which was peaceful only in the sense that, by its arrangements, the age-old longing for an enforceable world peace, such as animates so many educated people today, was at least temporarily laid to rest.

Napoleon resurrected that longing. He marched his armies back and forth across the Continent to remove the many national obstacles to its attainment. Later it was the turn of Imperial Germany, whose Kaiser, like Russia's Czar, celebrated in his very name the august aspiration of Imperial Rome to impose its peace everywhere by uplifting the lowly and putting down the proud.

Vying to establish an enforceable world peace today are the Marxist-Leninists, who are as tough as the toughest old Romans, and that motley band of American social scientists, English teachers, journalists, Sanskrit-reading physicists, existentialist philosophers, playwrights, film-makers, etc., aptly characterized by Joseph Schumpeter as "ethical imperialists." The Marxist-Leninists have an obvious advantage, for they are realists. They can be deterred by a nuclear policy of assured destruction, strictly adhered to by the United States. But, if American policy insists on an enforceable world peace, the tough men of Moscow are not about to let themselves be "Pugwashed" into accepting the petulant rule of a Western intelligentsia that thinks it can gain the world by a "great act of persuasion" conducted on the pattern of a Harvard seminar on international affairs.

The irony is that, with all their drumbeating for "peace now," the men, women, and children who lead today's peace crusade are making it impossible for serious counsels to be heard in the halls of government. Even the Commander in Chief of our armed forces has been reduced to gibbering that he's a "devoted pacifist."

Our great danger today comes not from American military arrogance, which is nonexistent, but from the arrogance of our peacemongering, which intoxicates and must eventually paralyze the will to act prudently.

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## MAY DAY DEMONSTRATIONS EMPHASIZE NEED FOR LEGISLATION REGULATING USE OF PARKLANDS IN THE DISTRICT OF COLUMBIA

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. HUNT. Mr. Speaker, the widely portrayed "festive" mood of the thousands of antiwar protesters who invaded our Nation's Capital during the period from April 24 through May 5 is now a matter of disputed history. It is a matter of fact and record, however, that the damages left behind exceeded, by very conservative estimates, $100,000 and the total costs for the National Park Service, the District of Columbia, and the military services will run into several millions of dollars when and if the tab is tallied.

Of course, Washington is the natural site for most political demonstrations and, to be sure, the Constitution guarantees the right of "peaceful" assembly. I do not dispute the right of peaceful assembly, but I strongly differ with those who feel that we, the Members of Congress, the residents who live here, and the tourists who visit, should stand aside and let the protesters—for whatever cause—run roughshod over everything and anything in their path. Particularly, I feel the Congress has a special responsibility with respect to the use of the parklands in this city, and it was with the intent that these lands should be equally accessible to all citizens that Congressman WYLIE and I introduced H.R. 7479. The legislation enumerates those uses that are to be prohibited—uses of the nature that interfere with equal access—and provides for the posting of a bond by the sponsors of demonstration activities to cover reasonably anticipated damages and costs of restoring the demonstration site to its normal state.

In this context, I was very much interested in the testimony of the Director of National Capital Parks, Russell E. Dickenson, who appeared before a subcommittee of the House Internal Security Committee on May 18 in connection with the Mayday demonstration activities. Although I do not intend to put words into Mr. Dickenson's mouth, his suggestions for legislation as a result of these demonstration activities would appear, at least, to follow the broad outlines of H.R. 7479. This bill, I would reiterate, is identical to a measure that was overwhelmingly approved by this body less than 2 years ago. Furthermore, 291 Members of this Congress endorsed the legislation when it was voted on at that time.

Your close attention to the following excerpts from Mr. Dickenson's testimony is invited:

EXCERPTS OF TESTIMONY OF RUSSELL E. DICKENSON

Mr. ROMINES. Gentlemen, as the Chairman pointed out in his opening statement, these hearings are an inquiry into the origin, history, character, objectives and activities of the National Peace Action Coalition and the Peoples Coalition for Peace and Justice.

Now, for brevity's sake, I will refer to them as the NPAC and the PCPJ.

The principal demonstrations and activities that these two organizations sponsored or in which their members participated in Washington, D.C., occurred between April 24 and May 5, 1971. Would you please provide the committee with a brief chronology of events in which these two organizations participated during the interval as they affected your departments?

Mr. DICKENSON. Thank you very much.

I would like to make just a short prefatory statement and then I will go into the chronology.

Washington has witnessed many major demonstrations in recent years and these have occurred for the most part in public parklands of the Nation's Capital. The use of public lands for the exercise of First Amendment rights has been well established. Due to several recent court cases, however, the National Park Service Code of Federal Regulations Section 3650.19 concerning demonstrations and public gatherings has been enjoined. By order of the courts, demonstrations may occur on public park lands on 15 days notice by the demonstrating group. If demonstrations appear to affect Presidential security, constitute a threat to the security and welfare of the City, or if there is likelihood of irreparable damage to park resources and facilities, the Government must carry the burden of seeking injunctive relief.

I would like to note the arrangements, the strategy and the negotiations, or large negotiations which are, by agreement, handled by an interagency group led by the Department of Justice. The concerned agencies include the District of Columbia Government, the Department of the Interior, National Park Service, and the Military Services. Therefore, according to this procedure just outlined above, we received a demonstra-

tion notice from NPAC regarding the events of April 24.

I would like to note, regarding the NPAC demonstrations on April 24, that most of the activities occurred in this particular case outside the jurisdiction of the National Park Service in Washington, D.C.

The parade was down Pennsylvania Avenue and the assembly point was at the Capitol. Therefore, the U.S. Park Police jurisdiction on that day was from 14th St., west on the Washington Monument grounds and West Potomac Park.

Earlier, a notice of the demonstrations had been filed which involved a musical event, a rock concert, which was planned to go all night at the Washington Monument grounds. Later on, a supplemental statement was filed which linked this to the PCPJ . . .

* * * * *

Mr. DICKENSON. I would like also to note that as a part of the interagency consideration and by agreement between the Department of Interior and Department of Justice and the District of Columbia, Chief (of the Metropolitan Police Department) Jerry Wilson was in overall command of police forces in the city during the period from April 24 through May 9.

Going specifically now to the musical event, the rock concert on the evening of April 24, throughout the afternoon there were about six to eight thousand people on the Washington Monument grounds who did not participate in the activities at the Capitol. As the afternoon and evening went on it built up to a total of about 50,000 people who remained on the Washington Monument grounds that night. A musical event did occur. Considerable damage occurred to the facilities on the Washington Monument grounds which included the benches around the Washington Monument.

The Sylvan Theater itself received damages. As a matter of fact, our estimate ranging over the subsequent two days showed approximately $100,000 of damages occurring at the Washington Monument grounds alone.

The CHAIRMAN. $100,000 on April 24?

Mr. DICKINSON. That is correct, sir, the night of April 24th.

The CHAIRMAN. I read press reports that the city was immaculately clean.

Mr. DICKENSON. We read that with some chagrin. We have the facts to show that the damage at the Washington Monument grounds was quite severe.

Mr. SCHMITZ. Mr. Dickenson, I have been out to the Washington Monument since that date. The wooden part of the park benches around the Monument are gone. Is that the date they left?

Mr. DICKENSON. That is correct, the night of April 24th.

Mr. SCHMITZ. I was not here that weekend; I was out in California, but all the headlines were how peaceful the demonstration was here.

Mr. DICKINSON. Entry was made into the Washington Monument logistical and support facilities that night.

Mr. SCHMITZ. Was most of the $100,000 damage inside the Monument?

Mr. DICKENSON. No, I would say, trying to give you some idea, there was about $18,000 that occurred at the Sylvan Theater itself; the benches alone were approximately $14,000; and then the rest, the need to returf certain areas and that sort of thing.

Mr. SCHMITZ. The Monument itself, when I was out there, appeared to have been sandblasted about six to eight feet up. Was that done to cover up damages done on the 24th (April)?

Mr. DICKENSON. That is correct. Considerable vandalism occurred by spray painting slogans and obscenities on the base of the Monument.

The CHAIRMAN. In an estimate of $100,000 damage, are you including damage to property of private individuals, or is that only Government damage?

Mr. DICKENSON. There is approximately $25,000 which would be private property, but was property leased to the Federal Government and these were sanitary facilities. There is a pending claim for approximately $25,000 because these Johnny-on-the-spots, large ones, were burned by the demonstrators.

The CHAIRMAN. It is my understanding that one mobile restroom valued at $17,000 was burned. Is that correct?

Mr. DICKENSON. That is correct; that is part of the $25,000 pending claim . . .

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Mr. DICKENSON. April 25 was a day of restoration and clean-up for National Capital Parks. During the period of April 25 through May 1, which was the following Saturday, the PCPJ was in the West Potomac Park area and a number of negotiations and confrontations occurred between the U.S. Park Police, National Capital Parks, and that group to try to obtain voluntary compliance with an agreement and understanding regarding their occupancy of that area for demonstration purposes. Essentially, the understanding called for no camping and no fires, and this was consistently and continually violated. So our effort was to try to obtain some voluntary compliance on the part of that group throughout that week . . .

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Mr. ROMINES. Mr. Dickenson, do you know who initiated the agreement between the PCPJ and the Park Service for camping in West Potomac Park?

Mr. DICKENSON. As I indicated, the Department of Justice heads an interagency group. So, therefore, the principal negotiations lie within the Department of Justice, but on behalf of and assisted by the other concerned agencies . . .

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Mr. ROMINES. Do you have compiled, sir, any total damages and expense figures for your department for the interval April 24 through May 5?

Mr. DICKENSON. I have, sir.

Mr. ROMINES. Could you give those figures to the committee, please?

Mr. DICKENSON. My listing, including police regular time, police over-time, the necessary provision of logistical and support facilities for this type of large gathering, totals $223,100 for April 24 and 25. That includes also the damage figure which I announced earlier ($100,000). For the period April 26 through May 1, which is essentially a Monday through Saturday situation in West Potomac Park, the total police cost and other costs, including some damage there, was $191,200. From May 2 through May 4, which is essentially a restoration and clean-up job in West Potomac Park, the costs were $98,800. That makes a total during the period of April 24 through May 4 of $513,100 . . .

* * * * *

Mr. ROMINES. Do either of you (Mr. Beye, Deputy Chief of U.S. Park Police, or Mr. Dickenson) know of any special problems which have confronted your department as a result of these demonstrations for which you think any remedial legislation is necessary or would be of assistance to you?

Mr. DICKENSON. Yes, sir, I do have a couple of thoughts, perhaps, for consideration. We feel the need in National Capital Parks to have the regulation regarding camping and overnight use of public lands in the District of Columbia legislatively strengthened. This has to do particularly with the use of public park lands for camping, sleeping, and fires. Then I raise the question about the wisdom of permitting all-night rock concerts on public lands. Indeed, any type of demonstration activity at night on the public park lands of the Nation's Capital has special built-in problems itself, so perhaps some consideration could be given to having demonstration activities occurring during daylight hours, and certainly not the all-night type of activities which we have recently experienced on two occasions, once on the Washington Monument grounds and once at West Potomac Park.

A second item that might be given some additional attention is the consideration of bonding or a bonding requirement for those who do cause damage to publicly owned facilities which would, perhaps, provide for the restoration and repair of anything that is damaged during an activity.

Those are the two broad general areas in which I have suggestions.

The CHAIRMAN. Probably legislation (in those) areas would be outside the jurisdiction of this committee, but they would be under the jurisdiction of perhaps the Committee on the Interior or the Committee on Public Works. I will see that the Chairman of those committees receive a copy of these hearings, and your recommendations will be made available to them . . .

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## AMENDMENT TO BE OFFERED TO H.R. 7109—OFF-SHORE AIRPORTS

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. MIKVA. Mr. Speaker, at the appropriate time during consideration of H.R. 7109, the NASA authorization for fiscal year 1972, my colleague from Illinois (Mr. COLLIER) and I will offer the following amendment:

At page 2, lines 5 and 6, delete "$135,000,000;" and insert in lieu thereof the following: "$134,500,000; provided that none of the funds provided for in this section shall be used to finance research with respect to the construction of off-shore airports;".

As we pointed out in a letter circulated to all of our colleagues last week, section 1(8) of H.R. 7109 contains an authorization of $135 million for aeronautical research, $500,000 of which, according to the committee report, is to be used to finance further studies of the technical feasibility of constructing off-shore airports.

Mr. Speaker, I have no doubt that we have the technical capability to build an airport in Lake Michigan or Lake Erie. Indeed, studies have already been conducted by the city of Chicago and the city of Cleveland to demonstrate this fact. We do not need to spend another half a million dollars on technical feasibility studies. What we do need to address ourselves to is the question of whether we ought to extend commercial exploitation to our waterways in the same way we have done with dry land. There are important questions of esthetics, of ecology, and of urban planning which must be given equal weight to the question of whether we have the technological capability. This was the lesson of the SST—the fact that we can build a bigger and better article does not mean that we necessarily ought to do so. Before millions are committed to an unwise project, let us stop and ask why.

## THE POSTAL CORPORATION'S UNHAPPY CUSTOMERS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. EILBERG. Mr. Speaker, the Philadelphia Inquirer, the morning newspaper in my home city, conducts a daily poll entitled "The Public Speaks."

The Inquirer poses one question a day and invites its readers to respond by calling one of two phone numbers. If a reader wishes to answer "yes," he calls the designated number and his "yes" vote and comments are recorded. If a reader wishes to answer "no," he calls another designated number and that vote and accompanying comments likewise are recorded.

The phone lines are open 12 hours a day, from 8 a.m. to 8 p.m. The feature has proven very popular and on some questions the response has been tremendous, particularly since, unlike with most polls, the respondent must take the initiative to participate.

One day recently, the Inquirer posed the question: "Has Your Postal Service Improved Lately?" Some 3,463 readers replied; 96.1 percent answered "No."

All of us in this body read, study, ponder, and even conduct polls. I am sure all of us would agree that the evidence of this poll is as conclusive as any we have probably ever seen.

Delivering the mail is the most visible public service the Government provides. Everyone uses the mails. If the public has such contempt for this Nation's once-widely respected mail service, there should be little surprise at the rising skepticism and impatience on the part of the American people with their Government generally.

Loss of confidence in the mail service has led in large part to loss of confidence in Government. The Federal Government has been in the business of delivering the mail for nearly two centuries. When we ask the people for large sums of new money to help solve problems in health, education, welfare, housing, transit, pollution, and even defense, we now confront increasing reluctance.

The public is legitimately asking how can Government possibly solve the more simple, mechanical, household task of delivering the mail, a job it has been doing for 200 years. And for those of us who think we can argue that the Postal Corporation has taken the Federal Government out of the mail business, I caution that our constituents do not make that neat distinction.

Therefore an efficient and respected mail delivery system is critical in restoring public confidence in Government's ability to deliver services and in the Government, itself. Clearly the mail system has lost this confidence as is evident from the Inquirer's poll published May 25, 1971, which, with the unanimous consent of my colleagues, I enter here:

THE PUBLIC SPEAKS: HAS YOUR POSTAL SERVICE IMPROVED LATELY?

HOW YOU VOTED

No: 3337 (96.1 percent).
Yes: 126 (03.9 percent).

SAMPLE "NO" COMMENTS

"It's cheaper to make a phone call" . . . "Worse than ever" . . . "It stinks". . . "Rotten" . . . "New carrier every day" . . . "I don't get my mail until 4 in the afternoon and most of the stuff isn't mine" . . . "It's unusual to get a letter delivered within the city in less than three days" . . . "They've got their nerve to raise the rates" . . . "It's getting worse; I know, I work for the post office."

SAMPLE "YES" COMMENTS

"By two hours today, because the regular carrier wasn't on" . . . "They seem to be doing a lot better than they have been" . . . "What's really bad is the phone company" . . . "Mailmen are much nicer" . . . "Letters arrive okay, but packages are still slow" . . . "My mail arrives earlier now" . . . "I'm getting my bills on time" . . . "Better than a year ago, but not better than five years ago."

## BIG BUS BILL

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. SCHWENGEL. Mr. Speaker, one of the safety problems which concerns me with respect to the proposal to increase bus width, is that of the blind spot behind buses and other large vehicles. It is in reality, a two-way blind spot because there is a significant area immediately behind these large vehicles which is cut off from the drivers view, and at the same time, the forward view of drivers of other vehicles in the blind spot is also blocked.

I am happy to report that some progress is being made on solving this problem, at least insofar as the driver of the forward vehicle.

Advertisements contained in the May 17 issue of Newsweek, and the May 14 issue of Life magazine, give some basic information on a new device which will hopefully solve the problem of the blind spot. I want to commend General Telephone and Electronics, and their Sylvania subsidiary for their pioneering efforts in this field.

It seems foolish to me to increase the width of buses and thus the size of the blind spot until we do in fact, solve this problem, and get the new device fully operative. To do otherwise, is to put the cart before the horse;

Text of advertisement follows:

GIVES DRIVERS A FANTASTIC ADVANTAGE

When Mother Nature equipped man for survival there were no such things as automobiles.

How was she supposed to know he'd end up barreling down highways at crazy speeds, zigging and zagging from lane to lane, getting knocked to Kingdom Come from behind by his brothers?

If she had known, she might've given him a better chance. She might've given him eyes in back of his head—which is the whole idea behind our GTE Sylvania company's latest auto safety device.

The extra eyes are actually two ultrasonic detectors mounted near your car's taillights. They're so sensitive, they can pick up sounds from another car's engine and tires from as far away as 35 feet.

When a vehicle traveling 35 mph or more comes into one of your rear blind zones, an amazing thing happens. One of two tiny lights on your dashboard lights up—sort of like a directional signal. Then it stays on, until the vehicle is alongside you. Safely in view.

Now we wish we could tell you that our eyes-in-back-of-the-head device is available right now. But we can't. It's still in the final testing stage (along with the electronic controls for a new invention that reduces exhaust pollution).

We can tell you this, though: Detroit is seriously looking into it.

So maybe one of these days it'll be looking behind for you.

## U.S. BUSINESS POLICIES IN SOUTH AFRICA

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BINGHAM. Mr. Speaker, Mr. William R. Cotter, president of the African-American Institute, recently testified before the Subcommittee on Africa of the House Foreign Affairs Committee on the question of what policies U.S. businesses should follow in relation to South Africa. His statement was an exceedingly thoughtful and well-reasoned one and I commend it to all readers of the CONGRESSIONAL RECORD who hope to see the end of the abhorrent apartheid system that prevails today in South Africa. Mr. Cotter's statement follows:

TESTIMONY OF WILLIAM R. COTTER, PRESIDENT, AFRICAN-AMERICAN INSTITUTE

I appear here today as an individual and not as an official spokesman for the African-American Institute. While the Institute has a long record of activities which clearly indicate its opposition to apartheid and the white minority governments which dominate Southern Africa, it does not, as a rule, take specific stands on the kinds of questions which this Committee is now investigating. One important exception was the resolution of the Board of Trustees of the AAI in 1960 which, at the time of the Sharpesville massacre, condemned apartheid, and the repressive actions of the South African Government. Members of the Institute, of course, remain free to express their own views on issues such as U.S. business investment in South Africa about which you have invited me to testify.

Before discussing what U.S. business should do with respect to its investments in South Africa, I must first outline what I believe should be the governing criteria for evaluating all U.S. involvement—public as well as private—with South Africa. For me, the litmus test is simple. When reviewing any U.S. activity we should ask: can it lead to changes in South Africa which will result, as *immediately as possible*, in ending apartheid and minority rule within that country?

I, personally, am in complete accord with those who call for the strongest measures by the United States to accelerate the process of change within South Africa. Nor would I automatically rule out violence as an in-

strument for obtaining the rights of the non-white majority. The United States obtained its independence through violent revolution when it became clear that other avenues of peaceful changes had been blocked. Can we deny to the overwhelming majority of South Africans the same right to achieve their independence from minority tyranny by *whatever means* are required?

I would certainly prefer peaceful change in South Africa—for the good of the majority as well as the minority—but I am not optimistic that the white rulers will willingly relinquish their absolute control over non-whites. The Vorster Government's response to the Lusaka Manifesto—which accepted the possibility of peaceful, evolutionary change in South Africa—has not been encouraging. Consequently, President Julius Nyerere of Tanzania was clearly justified when he called, in his address before the 25th Anniversary Session of the United Nations, for less patience and dialogue and more support for the freedom fighters. In that connection, I applaud the support which the World Council of Churches is giving to African liberation movements.

Nevertheless, few believe that an internal, violent revolution could succeed in South Africa at this point. Thus, while I recognize the *legitimacy* of violence I doubt its *efficacy* in the current South African context.

This is why it is so difficult for me to endorse, without qualification, the demands of those Americans—mainly young and often Black—whose dedication to the cause of liberty in South Africa I most respect. This group of concerned Americans—which also includes trade union leaders and Black employee groups—calls, with a near unanimous voice, for complete economic disengagement from South Africa. I would be in their ranks now if I believed that total economic disengagement by the U.S. would be the most effective way of eliminating apartheid and bringing majority rule to South Africa. I will join their ranks, in the future, when it so appears. But, at least now, I do not advocate complete withdrawal.

Instead, I believe a better strategy is to help U.S. business recognize its obligation to the wider community in South Africa just as it has come to recognize in the United States that it has obligations to its employees and the general public which go well beyond its simple duty to maximize profits for stockholders. U.S. business operating in South Africa must stop defending its general complicity in apartheid by arguing that it cannot violate local laws or customs or otherwise "interfere in the internal affairs" of another nation.

What about its obligation to follow U.S. Government policy which had condemned apartheid and seek ways within a general system of "contacts" with South Africa, to encourage change within that country? What about its obligation to its employees and the general public in South Africa? Are these obligations less important than automatic compliance with repugnant South African laws? I think not.

Now, assuming business accepted responsibility for trying to bring about change in South Africa, what can and should it do? My general answer is, it should try to push at the limits of tolerance to break down apartheid: increase the welfare of non-white workers, see to their training, job promotions, and the education of their children, provide the opportunity for collective bargaining by recognizing black employee groups, give equal pay for equal work, institute pension, life, health and disability insurance plans for non-whites, provide legal assistance to employees who cannot afford it and assist with their obtaining decent housing, medical care, loans and transportation.

Business should insure that non-white employees are treated with respect, and that they are given *preferred* treatment in training and promotions. Business should contribute to organizations both within South Africa and the United States which are concerned with advancing the welfare of non-whites in South Africa. It should stop giving money to the South Africa Foundation which is primarily an apologist for the *status quo* in South Africa.

I recognize that this approach, which encourages U.S. business to change radically its method of operations in South Africa but does not call for withdrawal at this time, is generally opposed by both business and the more articulate, young critics in this country of the South African regime. Business often says that even if it wanted to do these things, it would not be "allowed" to by the South African Government. It is not at all clear that this is the case. The action of the Polaroid Corporation is testing, in a small pilot way, the limits of South African government tolerance. Others could join Polaroid to probe these limits and other companies as well as Polaroid should, in my view, continue to press forward ever higher standards of justice for their non-white employees.

But, some businessmen will say, the South African Government will, eventually, reach a point where it will stop U.S. firms from continuously increasing the opportunities and welfare of non-white employees and will force U.S. business to retreat from the reforms or withdraw from South Africa entirely. At that point, I recommend withdrawal. If U.S. business cannot be a force for continuous change and ever more effective assaults on apartheid, then I believe it should withdraw.

But to my friends—and particularly the concerned, young Black and other staff members of the African-American Institute—who call for total withdrawal now, I must suggest that your recommended course would discard an important potential tool for achieving meaningful change within South Africa before it is even tried out. Before U.S. firms are pressured to withdraw, I believe we should try to convert U.S. business into a force to break down apartheid. Most of those who call for immediate withdrawal honestly doubt that U.S. business could ever become a force for real change within South Africa even if it had the requisite will. Perhaps they are right. But, we won't know for certain until some have tried.

It is clear that if both withdrawal and internal pressure are posssible forces for change within South Africa—and I believe both can be—and if we want to test the efficacy of each approach—as I feel we should—we can only do so in one order: we must first encourage U.S. business to mount strong, determined and ever escalating pressure from within. If that does not result in meaningful changes, then we should demand U.S. business to withdraw in the hopes that withdrawal will have some greater impact. However, we must bear in mind that those two strategies can not be tried in the *reverse* order: U.S. business cannot first withdraw and later try to work from within South Africa.

Despite my personal advocacy of trying first to force change from within, let me hasten to add that I see great value in immediate withdrawal as well. In the first place, massive withdrawal of U.S. business at this point would be eloquent testimony of our national determination to oppose apartheid. Thus far our national condemnation of that system has been largely verbal—on the part of the U.S. Government as well as the private sector. If significant numbers of U.S. companies were to withdraw from South Africa during 1971 the world in general, South Africa in particular, and our young and other concerned people at home might begin to believe that this country has not lost all capacity for moral outrage. They might come to feel once more that we are willing to make some sacrifices to match our ringing denunciations of apartheid.

In that connection, Anthony Lewis of the New York *Times* pointed out in his April 30 article on South Africa, that "The pressure an outside country can then apply, realistically, is to refuse to take part in the humiliations of apartheid—to refuse to lend them even an appearance of approval."

Moreover, and perhaps even more important than terminating the "appearance of approval" which U.S. business presence gives to the South African system, immediate withdrawal would help guarantee, for the good of our *own* national stability, as well for the majority of South Africans, that when the revolution comes to South Africa we will not be drawn into that conflict on the wrong side because of our economic ties to the present regime. We would then be free to support revolutionary change in a direct and effective manner.

One of the factors which has led me to recommend against total withdrawal at this time, is that I believe many Black Africans, including many independent, militant Blacks in South Africa itself, would also argue that pressure from within—no matter how pessimistic we may be about its impact—is at least worth trying before the U.S. completely disengages from South Africa.

I also know, however, that a very large number of revolutionary Black South Africans, and almost all of those who have fled that repressive country, argue for immediate withdrawal and the imposition of complete sanctions on all fronts as soon as possible. As I save said, I agree that such course, if adopted, *would* produce important, positive results but I am not sure that the benefits would be *as great as* might be derived from continuous internal pressure by the American business community to bring down apartheid and achieve majority rule.

At this point, I am certain, some may feel that I have posited such an impossible set of assumptions that the technique I advocate should be rejected as grounded on fantasy. It can obviously be argued that, first, American business—regardless of U.S. pressures or awakened corporate conscience—will never become the positive source of change which I have assumed it might; and, second that even if it were willing to move along the lines I have set forth, the South African Government would not allow it to do so. Either or both of these assumptions may prove to be correct. But, at the same time, I cannot help feeling that U.S. business has never really tried internal pressure and, in my view, the approach is worth trying even if the odds against meaningful success are long.

Some short term benefits may be quite worthwhile even if total victory cannot be achieved. For example, if the welfare of South African non-whites can really be increased, if their education, training, skills and the opportunities for their children can be substantially upgraded, if their health, job opportunities, self-confidence, organizational skills and financial resources can be improved—wouldn't these changes improve the capacity of the South African majority to claim their just rights—by peaceful *or* violent means—even if they fall short of converting the white rulers into true democrats willing to transfer power to the majority?

Let me illustrate my recommendations by stating the advice I would give a U.S. business leader who was genuinely concerned with majority rights in South Africa.

First, be certain that the U.S. managers of the South African affiliate share an abhorrence of apartheid and the desire for radical, rapid, meaningful change in that society. As Carl Rowan noted, the most regressive attitudes among U.S. citizens in South Africa tend to be found among the Ameri-

can managers of U.S. companies. This situation must be reversed.

Second, recognize fairly chosen representatives of non-white employees in the South African operations and let them identify the priority needs as *they* see them for changes in company policies toward non-whites.

Third, pledge to them that the company will devote a significant part of its earnings in South Africa to finance these added benefits.

Fourth, institute the requested policy changes as soon as possible and, continuously thereafter, press for more and *ever more* changes in the conditions of non-white employees until apartheid has been eliminated.

Fifth, encourage other U.S. businesses to join in such an effort. This will help ensure that a pioneering company will be able to survive longer in South Africa than if it moved alone and it will also multiply the concrete results of these changes. Tokenism means nothing to those who are really concerned with change. In fact, it simply antagonizes and repels us.

Sixth, contribute funds within and without South Africa which are truly dedicated to increasing educational opportunities for nonwhites and in other ways are working to end apartheid. Examples of such organizations in South Africa are the black-run Association for the Educational and Cultural Advancement of the African People of South Africa (ASSECA), the Christian Institute, and the Institute of Race Relations. Examples in this country are the American Committee on Africa and, if I may be so immodest, the African-American Institute, among others.

Seventh, be particularly concerned with promoting non-whites as rapidly as possible and provide the necessary training within the company to ensure that increasing numbers of non-whites are capable of filling more highly skilled positions including managerial slots. This will not only serve to end apartheid in the company but will help equip increasing numbers of nonwhites to claim effectively their civil rights in the society at large.

Eighth, when the South African Government pressures the company to discontinue such a program, resist that pressure with determination. When necessary, withdraw from South Africa rather than abandon a program designed to speed the end of apartheid.

In my view, if a company is *not* willing to take the kind of steps outlined above, then it should withdraw now. It should stop giving tacit approval and real support to the maintenance of the present horrifying system in South Africa. In other words, I *do* support the demands of those who are trying to force U.S. companies to withdraw from South Africa *but only* with respect to those firms which evidence no willingness to be a force for meaningful change in South Africa.

However, for those other firms which *do* condemn apartheid and *are* willing to institute programs to force changes from within, I believe we should watch such experiments carefully, prod the companies to do more, but give them some reasonable chance to demonstrate that their program is effecting change. When a program appears to be failing or degenerates into only a token or sham assault on apartheid, then I would join in the call for complete withdrawal by that company.

Let me add one short thought about the special situation regarding Namibia, also referred to as South West Africa. South Africa's violation of its mandate to administer Namibia is once more before the International Court of Justice. If that Court confirms that South Africa has forfeited its power under the mandate, then I hope that U.S. firms in Namibia will respect the jurisdiction of the United Nations over that territory and be prepared to obey its directives and pay taxes to the U.N. rather than to South Africa.

Let me conclude by observing that the U.S. Government, as well as U.S. business, can take positive steps of the sort I have suggested. It is of course true, as some claim, that our Government is powerless to regulate the activities of U.S. business in South Africa. It could do so, if it chose to intervene on behalf of freedom. It could, of course, simply prohibit any U.S. investment in that country. Alternatively, it could prohibit continued operations in South Africa unless companies follow radically new employment policies regarding their non-white employees. But very frankly, I believe at this juncture, that it may be easier to get U.S. business to act than the U.S. Government.

Thank you, Mr. Chairman.

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## THE IMPACT OF A CHILDREN AND YOUTH PROJECT ON THE NEED FOR IN-PATIENT HOSPITAL CARE

### HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. KUYKENDALL. Mr. Speaker, title V of the Social Security Act provides that special project grants may be made to provide comprehensive health services to school and preschool children in areas where low-income families are concentrated. Ninety-eight percent of those children registered in these projects throughout the Nation are under 9 years of age. Currently there are 59 children and youth projects located in 30 States and the Virgin Islands.

These programs are having a tremendous impact toward improving the quality of life of our young children in low income urban and rural areas. I am pleased to share with my colleagues the advantages being derived by many of my constituents through the children and youth program located in Memphis. I wish to include in the RECORD at this time a brief abstract of the children and youth project in Memphis prepared by David H. James, Jr., M.D., of the University of Tennessee College of Medicine, department of pediatrics:

The Memphis Children and Youth Project serves approximately 3,500 infants and children from low-income families that reside in four census tracts of the northwestern portion of the city. During the first full year of operation (1968), there was a need for 200 individual hospital admissions, requiring 964 hospital days. By the third year (1970), the number of hospital admissions had decreased to 80 and the number of hospital days to 267. During this latter year, 42% of the admissions were for medical problems and 58% for surgical procedures. This percentage distribution is the same as that experienced by the private practice sector of the Memphis community in 1970.

The average length of hospitalization for the Children and Youth Project patients dropped from 4.8 days in 1968 to 3.3 days in 1970. This compares with an average hospital stay in 1970 of 3.8 days for patients of the pediatric age group in the Memphis private practice sector.

It is concluded that the Memphis Children and Youth Project has brought about a marked decrease in the need for hospitalization for infants and children in the Project area. It is further concluded that, after three years of operation, the types of problems requiring hospitalization and the length of stay in the hospital are the same for those infants and children served by the Project as for those served by the private practice sector of the Memphis community

Mr. Speaker, the Appropriations Subcommittee on Labor-HEW will shortly begin its deliberations on the maternal and child health budget. Representatives of the American Academy of Pediatrics have estimated that children and youth projects alone need an additional $40 million to expand current programs and $15 million to fund project requests which are pending. I encourage my colleagues to bear in mind the estimated need and the benefits to be derived of these programs when we begin consideration of the health budget for fiscal year 1972.

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## ELDER CITIZENS DESERVE OUR GRATITUDE

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. KEMP. Mr. Speaker, the elder citizens of our land have worked and sacrificed to build America. They deserve to be thanked, not ignored. The extra years of life made possible by science must be made secure, productive, and independent. We cannot allow the older citizens of our society to live out their days in poverty, loneliness, and despair.

The Bureau of the Budget in its appropriations request for the Administration on Aging in fiscal year 1972 cut $7 million from the amount of appropriations voted in fiscal year 1971. This would have forced serious cutbacks in the community programs and other projects. It is estimated that, if these cuts had been maintained, more than 125 senior centers in different sections of the country would have had to be closed. When all the facts came to light, President Nixon and Secretary Richardson of the Department of Health, Education, and Welfare made a determination to ask for the restoration of the appropriation request to the fiscal year 1971 level and, indeed, to increase the request by an additional $3 million. The following table shows the result of the administration's action:

| | Original fiscal year 1972 budget | Revised fiscal year 1972 budget | Net increase |
|---|---|---|---|
| Community programs | $5,350 | $9,000 | $3,650 |
| Planning and operation | 4,000 | 4,000 | |
| Model projects | 4,000 | 5,200 | 1,200 |
| Foster grandparents | 7,500 | 10,500 | 3,000 |
| RSVP | 5,000 | 5,000 | |
| Research and demonstration | 1,800 | 2,800 | 1,000 |
| Training | 1,850 | 3,000 | 1,150 |
| Total | 29,500 | 39,500 | 10,000 |

It has also come to my attention that during the past year there has been great concern among the senior citizen membership groups and the national organizations engaged in programs affecting

the elderly about the gradual downgrading of the Administration on Aging which began with the action of former Secretary of Health, Education, and Welfare Wilbur Cohen, who placed it under the jurisdiction of the offices of Social and Rehabilitation Service in HEW. The result has awakened a deep seated fear among interested parties that the Administration on Aging will be unable to fulfill the responsibilities assigned to it by the Older American Act of 1965.

It was in response to this concern that Secretary Richardson on May 6 announced that he had invited Dr. Arthur Flemming, newly appointed chairman of the White House Conference on Aging, to appoint a task force to reexamine the future role and structure of the Administration on Aging.

For the information of the Members of the House, I include at this time Secretary Richardson's statement announcing this special task force:

STATEMENT BY SECRETARY RICHARDSON

I have asked Dr. Arthur Flemming, Chairman of the 1971 White House Conference on the Aging, to establish a special task force to review the organization and status of the Administration on Aging.

The task force will be composed of qualified and prominent private citizens and they will give Chairman Flemming and me their recommendations as to the role, function and location of the Administration on Aging within the Executive Branch as a whole.

Dr. Flemming and I want the task force to examine the different alternatives with respect to the future of the Administration on Aging, giving special consideration to recommendations which will issue from the various State White House Conferences on Aging, and giving particular weight to those recommendations which emerge from the White House Conference on Aging next November.

The Administration on Aging is a prominent part, but only one part, of this Administration's comprehensive program to assist older Americans; many Departments and Agencies of the Federal Government have essential roles.

Dr. Flemming and I look forward to a thorough examination and to receiving ideas which are directly representative of the views of senior citizens themselves and their membership organizations.

The members of the task force will be announced by Chairman Flemming within a few weeks.

These actions will help strengthen old-age programs at the grass roots level and improve communications between older Americans and their government.

It was a pleasure for me to vote for the 10% increase in Social Security as well as the 10% increase for railroad retirees. I also support proposed legislation which includes an additional 5% increase in Social Security and ties Social Security increases to the cost-of-living index.

The halting of inflationary pressures is perhaps the most important need of our retired citizens, and Social Security must be made a more equitable and effective instrument of income security through this automatic cost-of-living adjustment.

To give needed assistance to those older Americans who work, I have introduced legislation which would exempt those persons over 65 from Social Security tax—who are either forced to continue working to supplement Social Security benefits—or who do not wish to retire.

Assuring the dignity of old age is not the granting of some special privilege. It is sharing America's trillion dollar economy with the men and women who helped create it.

## SATELLITES PRODUCE ADVANCES IN COMMUNICATIONS AND EDUCATION

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. FREY. Mr. Speaker, in the April 17, 1971, issue of Editor and Publisher, General Electric Co. has a full-page advertisement which dramatically summarizes worldwide educational and communication developments due to the use of direct broadcast satellite TV systems. These systems both help the earth's standard of living and improve world understanding.

The article follows:

'70s: PAYOFF YEARS FROM SPACE

NEO (NEAR EARTH ORBIT) SPACE: THE ILLITERATE LEARN TO READ AND WRITE

Some 300 million villagers in India have a direct stake in the United States' space program. That's how many Indians, presently illiterate, who may learn to read or to farm more effectively—thanks to American satellites in the 1970's.

India's current population (537 million) is growing at a rate that will reach more than a billion people by 1997. While 82 per cent live in 556,000 small villages, and about 70 per cent of the work force are farmers or agricutural laborers, India still does not produce enough food to feed its people. Education also suffers in India, with less than 50 per cent of primary school age children enrolled in schools. Complicating the educational problem is India's multiplicity of languages; there are 12 major languages and several hundred distinct dialects. Journalism is inadequate, too, since only two per cent of the newspapers go to the small villages where more than 80 per cent of the population lives!

The need for fast, extensive communications in India is obvious to its government which is striving to improve basic education, especially in modern agricultural techniques. To do so, India conducted studies of many alternate approaches, and has concluded that a Direct Broadcast Satellite TV system would be the most cost effective way to help solve these problems. Space TV costs about half of what an equivalent, entirely ground-based, system would cost since satellites can eliminate the need for large earth receiving and transmission stations, and complex relay networks. Broadcast satellites of the '70's will be powerful enough to beam TV programs directly from space to villages equipped with small, inexpensive receiving antennas. India already has found that community educational television has proven its worth in the area surrounding Delhi in an important experiment involving some 80 villages.

Under terms of an agreement India signed with the United States in 1969, their first 5000 villages are expected to be receiving televised instruction from space by 1973. Ultimately, some 600,000 direct broadcast receivers will be set up centrally in their villages with audiences of up to several hundred people at each location. And the multilanguage problem is solved, also, since each TV set will have a selection of dialect audio channels.

Brazil, too, is studying an educational system calling for direct broadcasts via satellite. There, problems are somewhat different from India's: the imbalance caused by very sparse distribution of the population (90 million people spread over 3.2 million square miles) has resulted in an inadequate educational system—there simply aren't enough teachers to go around. Rural schools are served by only 36 per cent of the teachers, but have 54 per cent of the enrolled primary students. And, of the 100,000 teachers in rural schools, some two-thirds have had only primary education. Through communications satellites, Brazil plans to instruct students in the rural areas on modern agricultural methods and to provide sufficient basic education to help overcome the school system's deficiencies. Plans call for direct satellite broadcast to about 150,000 schools, reaching 30 million people, about double the number of people who presently receive schooling in Brazil. Officials estimate that the system would cost one-fifth of an Earth-bound system. In a few years, villagers in India and rural students in Brazil will be telling the world what they think of Near Earth Orbit-Space.

Just what is NEO-Space? It's a dark cold vacuum that surrounds our planet beginning some 2000 miles from Earth and extending to 25,000 miles from the planet. NEO-Space is home for the 427 artificial satellites currently in orbit around our world performing important research and operational tasks for Earthlings ranging from weather description to improved communications. The ability of communications satellites in NEO-Space to help bring the benefits of education to millions in the underdeveloped nations is one of the most profound benefits offered by NEO-Space.

Indians and South Americans aren't the only ones to benefit from communications satellites in NEO-Space. Today we have better television, with live, quality trans-oceanic color telecasts via satellites of news events. And, nations now have a capability of maintaining instantaneous, clear, unimpaired and direct communications with all nations of the world, a significant contribution to international relations. These and other Earthly benefits are available now because the use of NEO-Space has become economically competitive with other ways of doing things on Earth. The costs of using NEO-Space are coming down, and are expected to get even lower.

The investment cost per circuit year in communications satellites has decreased from $25,000 for the Early Bird satellite in 1965 to an estimated $870 for the current Intelsat IV.

Charges for the satellite portion of a one-hour color telecast between New York and Europe in 1970 are 19 per cent of what they were in 1967, a reduction of 81 per cent.

Advances in cable as well as satellite technology have resulted in better and cheaper telephone communications, resulting in actual rate decreases of up to 40 per cent in the price of trans-oceanic phone calls.

And the future of communications satellites holds even greater potential for improving the quality of life on Earth:

Under the terms of a domestic satellite system proposed by one firm, American television networks could cut their annual communications costs from more than $70 million to about $40 million. Such savings represent significant steps in keeping TV production costs down, and help fight inflation.

In air traffic control, particularly over the oceans, communications satellites can lead to an increase in air traffic density without compromising safety. By augmenting the electronic equipment on board, satellites can aid navigation and direct collision avoidance systems in air-lanes worldwide.

Likewise, satellites can make sea shipment and travel more economical and safer by providing continuous communications and accurate navigational aids to ships.

Business use of communications satellites will grow, too. One study estimates that the demand for business and data communications circuits will grow at least by 230 per cent from 1975 to 1985. And, because of time zones, satellites could enable computers to be used and shared economically around the clock throughout the world.

Direct Broadcast satellites, in the more industrialized nations, could help doctors and lawyers to keep abreast of the latest developments in their fields by transmitting new data and instruction directly into their homes or offices.

These are some of the present and future uses of communications satellites in NEO-Space. By helping to teach more effective farming, the United States space program will be combating starvation; by helping to teach reading and writing, it will help the Earth's standard of living and by helping improve communications between nations, it will improve world understanding.

During the 70's, we are in the real payoff years in space, an age in which we will see even greater economic gains from the space investments of the 60's. Greatly improved communications is just one area in which NEO-Space is helping to solve the problems on Earth in ways that are economically competitive with other ways of doing things on Earth. We've gained experience, honed our technologies, and now we're ready to fully exploit NEO-Space in the 1970's because we've learned that it's a better and cheaper way to attack some problems on Earth. (Space Division, General Electric Company, Valley Forge, Pennsylvania.)

## THE REAL MEANING OF MEMORIAL DAY

### HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. BURKE of Florida. Mr. Speaker, Memorial Day is always a day of memories, and it is a time when we should all stop and give thanks for the blessings of liberty. We, as Americans, know that the men who die in the service of our great Nation make this sacrifice in order that the hopes and ambitions of our Founding Fathers might be realized, that the Constitution upon which our Government is based might stand today—strong, triumphant—the bulwark of our Nation.

We not only pay honor to those patriotic men and women who have given their lives for America, but we pay honor to all, living and dead, who unselfishly contributed their service in order that our families, our children, and posterity might enjoy the priceless heritage of freedom.

In expressing our gratitude, we must always save a special place of honor for the thousands of disabled veterans, many still confined to hospitals, and their dependents, the widows and orphans of those deceased veterans whose lives were shattered in our Nation's behalf. And in this year of 1971, I hope we will all say a special prayer for the safety and well-being of those men who are prisoners of war in Southeast Asia. It is the fervent hope and prayer of all Americans that before we observe another Memorial Day these men shall be returned to their homes and loved ones.

The concept of Memorial Day had its origins in the tragedy of another war. Some authorities credit the tradition as beginning in the South soon after the Civil War. There the ladies of the community, in honoring the memory of their own fallen, placed floral offerings reverently upon the soft mounds where their kin were buried. At the same time they thought in terms of the bereavement of others in the North and also decorated the last resting places of the deceased soldiers from the North who had been interred there.

Whatever the exact origin may have been, it was Gen. John A. Logan, Commander in Chief of the Grand Army of the Republic, who issued General Order No. 11 on May 5, 1868. In it he asked that our honored dead be paid tribute on the 30th of May, when the flowers of springtime were in abundance.

General Logan's order closed with the words:

Let no ravages of time testify to coming generations that we have forgotten as a people the cost of a free and undivided Republic.

Since that time over a hundred years ago, millions of our young men have been called upon to pay the price of freedom. The rumblings of war have called our young men to the aid of their country five times in the past century. Bravely they have answered the call of duty. Their sacrifices, willingly made, are the real meaning—the true significance of Memorial Day.

Memorial Day is a time for us to renew our determination to meet successfully the challenges which are before us in these troubled years. Thereby can we best honor those who have gone before. It is by renewing our commitment to the ideals of freedom and democracy that we can best prove that those young men who gave their lives for America shall not have died in vain.

## RESOLUTION ON NAMIBIA

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. KOCH. Mr. Speaker, the United Nations Association of New York recently passed a resolution concerning the situation in Namibia. I approve of their resolution, and am inserting a copy of it into the RECORD at this time:

RESOLUTION ON NAMIBIA (SOUTHWEST AFRICA)

Mindful of the special status of Southwest Africa as a mandated area under the League of Nations, and the subsequent actions of the United Nations to apply to this territory the general principles of trusteeship defined in the Charter;

Considering the long series of actions in which international tribunals have given attention to this subject, including the request for an advisory opinion now pending before the International Court of Justice;

The United Nations Association of New York, N.Y.,

Expresses its hope that all states members of the United Nations will support the development of a status for Namibia consistent with the obligations which the international community has long assumed toward that region, based upon the aspirations for self-government which its people have expressed and upon which the United Nations has acted;

Deplores the refusal of the Union of South Africa to withdraw its illegal adminstration from Namibia, condemns the illegal trials of Namibian persons under the South African Terrorism Act, and strongly opposes the proposal of the Union of South Africa to conduct a unilaterally supervised plebiscite in Namibia in defiance of the Council which the United Nations has set up to supervise the affairs of the region; and

Urges that the government of the United States give affirmative support to these principles through its delegates at the United Nations.

## JULIUS SCHEPPS—TALL CITIZEN WHO EARNED GREATNESS

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. COLLINS of Texas. Mr. Speaker, when I landed in Dallas this past weekend, the first news I heard was that Julius Schepps was dead. This was a real blow. I had been working closely with "Mr. Julius" in his post as president of our active Dallas Park Board.

But, ever since I was a boy, I looked up to him to help me on any community project. Dallas loved him. He has received all our honors including the 1954 Linz Award as "Dallas' Outstanding Citizen." In 1962 he was chosen "Headliner of the Year." Texas Welfare Federation chose him as the person contributing the most to the welfare of his community.

The Jewish people in Dallas are very popular. We have had many Jews with dynamic spirit like Schepps. Their leadership in civic drives, school programs, cultural development was consistent. But Schepps joins the list of the all-time greats. He was a hard worker, a generous giver, and a friendly man. He was for Dallas all the way.

Community relations are not laws—not politics—but depend on people themselves. And our community has lost a warm neighbor and good friend.

I always read the Dallas Times Herald editorial page to analyze Editor Felix R. McKnight's viewpoint. In the May 30 issue of the Times Herald he paid a great tribute to Julius Schepps. Here are the highlights of this article by McKnight:

Julius Schepps was not a myth. He did all of those things that made him a very great man.

I could lead you through the streets of Dallas and gather testimony from tens of thousands to verify that he earned the treasure good men seek—true greatness.

Our path would take us to a skid row mission, to a child's bedside, to a festering racial uprising where his word was believed, to a broken alcoholic, to slums, to mansions, to a camp for confused boys that he helped found 50 years ago—to any place where man needed a brother.

Some of his witnesses would be of his Jewish faith, some would be Protestants, some would be Catholics, some would be black and some would be white and brown. But the testimony would have the rich sameness; how a huge man with a hawk nose and slope shoulders had touched their souls.

Could one man be all of these things? Julius Schepps qualified.

Sixty-nine years ago he came to this city, the six-year-old son of a Russian immigrant who opened a tiny downtown bakery shop. In the span of time from that day until his death last Tuesday, Julius Schepps wove a life of usefulness that is unparalleled in Dallas history.

And he did it without the formal foundations. There was no wiser man in Dallas, but he acquired his learning in his own way.

He proudly identified himself as a Texas Aggie and told a thousand stories about his "college life." He enrolled there in 1914 as a basketball recruit and was 17 days into campus life before they discovered he was without a high school diploma. He departed, but only physically. He became an Aggie stalwart; an institution. Twelve years later he became the best of all Aggie stories—they elected their 17-day Aggie president of the Former Students Association.

Julius Schepps had difficulty pronouncing "ecumenical," but he knew universal brotherhood better than any man.

He was the man who headed Dallas' first bi-racial commission—and he was the man who boldly stood for equity and justice that resulted in the city's total integration. His forthright stand on that issue, and every other issue, came from total honesty of the soul.

Julius Schepps was a wealthy man who controlled many enterprises. One, a wholesale liquor dealership—but he was an abstainer who preached moderation and funneled most of the profits into charities and human causes.

No one knows how much money he gave to others—from the building that houses the Dallas County United Fund to outfitting with bats, balls, gloves, shoes and uniforms a West Dallas Mexican-American kid baseball team he had never seen. Someone just mentioned it to him.

Voids come to communities and good men fill them. But to those who knew him, there comes the feeling that Julius Schepps' "jersey" should be retired and enshrined—never to be worn again.

Julius Schepps . . . leader, brother, philanthropist, patriot, Texas Aggie, man among men . . . farewell.

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## UNITED STATES WEIGHS WEAKENING FLAMMABLE FABRIC CURB

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD an article that appeared in the Washington Post, June 1, 1971, and is entitled "U.S. Weighs Weakening Flammable Fabric Curb."

This fine article tells of a potentially deplorable action contemplated by the Commerce Department, and deserves careful consideration:

U.S. WEIGHS WEAKENING FLAMMABLE FABRIC CURB

The Commerce Department is considering weakening a proposed requirement on flame-proofing of children's nightwear, it was learned yesterday.

Under the revision, the proposal would make optional rather than mandatory the standard against flammable fabrics. Those makers that did not follow the standard would be required to place cautionary labeling on children's pajamas and nightgowns.

The relaxed labeling alternatives will be recommended shortly to Commerce Secretary Maurice H. Stans, who must make the final decision, government sources said.

Commerce officials said such a rule would leave to parents the decision whether to buy flame-retardant sleepwear, which is expected to cost more.

The officials said it also would spur industry eventually to make all children's sleepwear flame retardant. They reasoned that many firms would be reluctant to put a warning label on their products, while those that were technologically backward would not be put out of business overnight.

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## PHINEAS BANNING—PORT ADMIRAL

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. ANDERSON of California. Mr. Speaker, the former home of Phineas Banning in Wilmington, Calif., has been approved for designation as a national historical site and inclusion in the national registry of historical places.

The 30-room house was built in 1864, 6 years after Banning founded the town of Wilmington and named it after his birthplace in Wilmington, Del. This gracious mansion is certainly worthy of recognition as a national historical site both because of the unusual nature of the building and the importance of the man who built it.

Phineas Banning was the father of the massive port complex which has made the Wilmington-San Pedro area one of the most important regional shipping ports in the world.

In 1864 he bought some 4,000 acres of waterfront land, built barges, a wharf and a warehouse, and began transporting cargoes between ships anchored in San Pedro Bay and the mainland. At first, people in the area derisively referred to him as "the Port Admiral," but later that became a term of honor with the further development of his dream of a major shipping port.

Banning journeyed at his own expense to Washington, D.C. in the early 1870's and succeeded in obtaining the first congressional appropriation for the development of the harbor complex.

The mansion, located in Banning Park at 401 East M Street, was built entirely from lumber shipped around the Horn in sailing vessels from the east coast.

During Banning's lifetime it was frequently the scene of huge dinner parties, or "regales," with as many as 100 guests—often including industrial leaders, civic officials, Congressmen, Senators, Governors of California, and high-ranking military officials.

Other distinctive features of the home include the use of stained glass from Belgium, ornate French fireplaces, hand-engraved door hinges brought from Philadelphia.

The mansion includes a giant walk-in refrigerator which was supplied annually with massive slabs of ice cut in the high Sierras and shipped to the Banning home in the wagons of the freight service which he owned and operated.

Crowning the building is a lookout tower from which Mr. Banning used to observe the arrival and departure of ships in the Los Angeles Harbor.

The Banning home was designated as a State historical landmark in 1936. To mark the occasion, William Banning, one of General Banning's 11 children, drove a coach with a six-horse hitch, up to the front steps as part of the dedication ceremonies.

Decades ago the home and its surrounding grounds were obtained by the city of Los Angeles for use as a park. It was beautifully suited for this purpose because of the charming landscaping of the grounds.

Among the central features of that landscaping is the oldest eucalyptus tree in California, having been planted there more than a century ago by Banning's Chinese gardener. A 200-foot-long wisteria vine, planted behind the house by that same gardener, has been the theme of the annual Wisteria Festival sponsored by the community of Wilmington since the early 1950's.

Guided tours of the Banning home are conducted during the summer months each year, with the guides being girls from Harbor College or the local high schools dressed in costumes of the period in which the mansion was built. Tours are normally on Sundays from 10 a.m. to 4 p.m. with a nominal admission charge of 25 cents for adults and 10 cents for children.

Although Banning was a man of many aspects—the founder of Wilmington; father of the Port of Los Angeles; a general in the California Militia; one of the pioneers of the oil industry in California—it was the freight business that made him wealthy.

At first his freight company was centered on the run between the port area and downtown Los Angeles, although it later expanded as far as another California city which he established—Banning, in the desert area near Riverside.

Later, Banning was involved in the construction and operation of the first rail line connecting the port with downtown Los Angeles.

One of the best biographies of Banning is "Port Admiral: Phineas Banning 1830–1885" by Maymie R. Krythe, published in 1957 by the California Historical Society.

It seems highly ironic that Banning, who had become wealthy and powerful because of his freight business, should have died at the age of 55 as a result of injuries suffered when he stepped off a street car and was run down by a passing freight wagon.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

## HUNDRED CLUB OF COOK COUNTY, ILL., PROVIDES CARE FOR SLAIN POLICE AND FIREMEN'S FAMILIES

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### HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. MURPHY of Illinois. Mr. Speaker, the brutal deaths of policemen and firemen in the line of duty give all Americans grave cause for thought. These men whose deaths come in the prime of life leaves wives and young children behind. Rarely are there substantial savings as the salaries of these men must stretch simply to provide a decent way of life for wives and dependents. Consequently, the families of these men became wards of the State, or, at best, struggle to pay off debts and pick up the pieces of shattered lives.

A group of Chicago business and professional men provides alternatives for these families, however. These men belong to the Hundred Club of Cook County which provides funds and moral support to families of slain policemen and firemen in times of desperate need. Ralph J. Scheu is the 70-year-old retired industrialist who founded the club and continues to provide its able leadership. His genius and steadfastness have been evident since the club's inception 3 years ago.

I insert in the RECORD the text of an article which tells the story of 500 interested men who believe it is better to care for one's fellow man than to ignore his plight. The author of the article, Clay Gowran, is a writer with the Chicago Tribune. It is my hope that my fellow colleagues will benefit from this insertion but, more importantly, that it will inspire other metropolitan areas to undertake similar ventures.

The text of the article follows:

HUNDRED CLUB OF COOK COUNTY AND ITS WORK

(By Clay Gowran)

At 2:49 A. M. last Nov. 13, a Chicago police squad was sent to 58th street and Calumet avenue to investigate a telephoned report of "a man with a shotgun on the street."

At 3:08 a. m., Patrolman Frank Rappaport—32 years old, 3½ years in the blue uniform, alone that night in blue-and-white car 9727—was among many men in three police districts who sped to the intersection in response to a second, urgent radio call, "Police officers need help . . . police officer shot. . . ."

At 4 a. m., not quite an hour after Rappaport flipped on his siren and headed for 58th and Calumet, Father Donald Gaugush, Catholic chaplain of the Chicago police department, climbed from a black police limousine and rang the doorbell of the Rappaport home, a small, neat bungalow on Exchange avenue on the city's far south side. He was there on the errand which, each time he has to perform it, is the most agonizing part of his duties. He was there to tell Connie Rappaport—blonde, 4 feet 9 inches tall, married 11 years, mother of three—that the young husband she had kissed good-night, a little while before had been shotgunned to death in a senseless burst of street-gang savagery at and around a scrofulous, abandoned hotel, a battle which ended with a Black Panther gunman killed, a second hit and captured, and eight more policemen wounded [one of whom, John Gilhooly, 21, and less than a year out of the police academy, was later to die of his wounds].

What is there to say to a young woman, to help, after she has been told what Father Gaugush had to tell her? What could he do for her? What could anyone do?

Nothing, really, of course. But for more than three years a number of Chicago business and professional men have tried to make tragedies such as that which enveloped Connie Rappaport, and other wives before her, a little less nightmarish. The men belong to the Hundred Club of Cook County. It has no clubrooms, no paid employes, no social functions outside of two dinners a year, not even membership cards. The men—as of now 494 older ones who contribute $200 "dues" each year, and 30 or so younger associates who give $50—belong because they want to be part of what happened after Frank Rappaport died, what since 1966 has happened after other line-of-duty deaths among policemen and firemen throughout the county.

That afternoon of Nov. 13, Gerald W. Cavanagh, Hundred club treasurer and president of the Chicago Motor club, drove to the Rappaport home. Police friends of Frank were there, including Detective Tom Manella of area 2 homicide, who had been Rappaport's best friend in high school, and who now searched, haltingly, for words to say. Relatives, doing what they could. The Rappaport children—Susan, whose 10th birthday had come the Thursday before; Michael, 8; Patricia, 3. Mac, the magnificent collie which was Frank Rappaport's special joy, and which now sat quietly at the picture window, looking down the street . . . waiting . . . waiting.

Connie Rappaport, who had shown real courage when Father Gaugush had been there ["When I had to tell her that her husband was gone, she said, 'I knew, father, I knew when I opened the door and saw you there.' "], was keeping purposely busy, seeing there was coffee, sometimes answering the always-ringing telephone, stopping a spat among the youngsters who hadn't yet realized what had happened, cuddling small Patsy.

Cavanagh, a gentle man of 66 with white hair, sat down with Mrs. Rappaport. He told her, of course, how sorry he was, and she thanked him. He told her he was there because he represented the Hundred club, created for such times as this. He handed her a club check for $1,000 "because you may have need for immediate cash, and we don't want you to have to worry about that in addition to everything else, because we want to help." He said that, later, he or another club member would be back. And he stressed he wanted her to understand "what we do is *not* charity or anything like it. . . . This organization was formed because some men feel we have a duty to the families of firemen and policemen."

Frank Rappaport was buried the following Monday, in a week that saw two other police funerals—those of young Gilhooly, and Patrolman Samuel Lynch, 46, and the father of six, pronounced dead at Presbyterian-St. Luke's hospital after he was found near his overturned three-wheel motorcycle at Clark and Polk streets, the victim of a hit-and-run killer.

The same week, Ralph J. Scheu, the retired 70-year-old industrialist and native Chicagoan who founded and is the principal driving force of the Hundred Club of Cook County, visited Connie Rappaport and Aster Lynch, the motorcycle policeman's widow, who like Mrs. Rappaport had received a $1,000 check from Cavanagh. Scheu ["Shoy"] had been at the Mayo Clinic undergoing a check-up during the 48 hours which saw Rappaport die, then Lynch, then Gilhooly, but now, in the name of the club he organized, he was performing the "duty" his old friend, Cavanagh, had mentioned. With him was Patrolman Clifford Dorn, who with Sgt. Clarence Erickson make up the police special services unit, charged among other things with doing what can be done for a fallen policeman's survivors.

In each of the two homes—the Rappaports', and the Lynch bungalow on 87th street—Scheu told the women, again, what Cavanagh had told them, that what was being done was in no way charity, that members of the Hundred club "look upon it as a solemn obligation. . . . We feel we must do something for our police and firemen, because they do for us what we cannot do for ourselves. . . ."

With Dorn, Scheu learned from Mrs. Rappaport that $9,281 still was owed on the 25-year mortgage she and Frank had taken when they bought the bungalow in 1959. There were no other debts. At Mrs. Lynch's, Scheu discovered the policeman had, when he bought his home in 1960, put down $2,000 in cash and arranged to pay the remaining $16,950 over 24 years under a contract-purchase agreement. Also, the Lynches had, last summer, put up a $2,100 garage and had made four monthly payments on it, $34.97 each. And slightly under $500 was owed Sears, Roebuck on a dining room set. In total, the sums owed by the family at the moment that unknown driver struck and killed the policeman-father came to $14,876.

Of each widow, Scheu asked the same. Would they allow him to take, temporarily, the papers concerned with the homes and the debts? His son, Ralph G. Scheu, a lawyer as well as secretary of the club, would contact the companies or people involved. When the papers were returned in a week or two, he explained, it would be with the mortgage commitments and other debts marked "Paid in Full," because that, in addition to the initial $1,000, is what the Hundred club is for.

"We in no way want to interfere with pension plans or insurance or other benefits," he said. "Our help is a sort of a 'plus'—we simply want to pay off debts such as these, things you and your husband would have paid, so you and your youngsters will have the pensions and other moneys clear for support of the family, for education, and so on. We just want to clear the way."

[In the death of Gilhooly, no payments were made, for a reason to be found in the club's charter. It explains the nonprofit organization was incorporated under Illinois law "to help provide for widows and dependents of policemen and firemen who lose their lives in the line of duty," and Gilhooly was a bachelor without dependents.]

Connie Rappaport, still composed but near tears, thanked Scheu and told him the mortgage "was my biggest worry—I love this home and want to go on here, because the neighbors are so nice, and the park where I'm co-leader of a Girl Scout troop is just a block away, and the school only two blocks." Mrs. Lynch, a quiet woman facing her disaster with the same steady courage shown by Mrs. Rappaport, thanked him, too. She said: "You can't know what it means, to know there is such help. To know funds we do receive can help educate the children—the big thing Sam wanted, what he talked about the most, was that the kids go on to higher schooling."

That dream should be attainable, for both Lynches and Rappaports, because the city of Chicago now has, with new state help, a program of death benefits and pensions for police and firemen killed in line of duty which is substantial. Each woman will receive her husband's full salary for one year from his death, then a monthly pension of three-fourths of his salary [$300 for firemen's widows], plus $60 a month for each child under 18, the total not to exceed the man's full pay. Also, a $4,000 lump-sum payment, with both pension and cash payment coming from annuity-benefit funds into which police officers pay 8½ per cent of their salaries, and firemen 8⅝ per cent. In addition, the Chicago city council sets up trusts for the families under an allotment schedule

specified by ordinance [from $7,500 for a widow without children up to a maximum of $15,000 for one with two or more children]. Finally, under new state legislation just signed into law by Governor Ogilvie, families of law enforcement officers and firemen killed on duty receive $10,000 from Illinois.

"We're glad official sources provide such help in Chicago, and, as I've said, what we try to do is to take care of debts existing at death, so the family can make a new start without old obligations," Scheu explained. "But, don't forget this, too—in Cook county there are more than 200 other police and fire departments besides Chicago's, and very few come anywhere near the city in death benefits—in fact, most have no benefits at all outside the state aid. The club helps with their men, too, exactly the same as in Chicago."

The idea of both quick and substantial assistance to survivors of police officers and firemen killed in action, the idea behind Cook county's Hundred club and others elsewhere, originated in the early 1950s in Detroit. William Packer, a wealthy automobile dealer who liked the police and firemen he chanced to know, thought they did hard jobs well, and was distressed at how little they sometimes could leave loved ones when a bullet or perhaps a falling wall ended their lives. On several occasions, Packer took up collections among friends to help such families, but it was hap-hazard, and he finally concluded there should be some continuing organization building up funds which would be available to aid the families of all such men killed in line of duty, not just for the most dramatic or poignant cases.

So, in 1952, Detroit's Hundred club was born. The name, meaningless but still used in the Motor City and by other clubs elsewhere, derives from Packer's initial idea that membership would be limited to 100 persons paying $200 each year—but so many men responded that the limit was set aside.

Scheu, long a civic leader and fund raiser here for various causes, first heard of the Hundred club concept in the spring of 1966 when, during a stay at his winter home in Fort Lauderdale, Fla., he was invited to join one there. He did, and as he familiarized himself with the help provided widows and children he became convinced such an organization was needed even more here. He talked with other Chicago friends vacationing in Lauderdale—attorneys Grier Patterson and Sinon Murray; Morgan Murphy, chairman of the executive committee of Commonwealth Edison—and they liked the idea. He flew to Chicago and outlined the club plan to the city's top newspaper executives, to Mayor Daley, and to other men, and they all liked it, too.

In November, 1966, the Hundred Club of Cook County had its first meeting, with 174 members, each of whom had made the $200 [tax deductible] contribution to the organization. By the next February, there were more than 300 members. It was then—Feb. 8, 1967—the new club performed its first service.

Two days before, Patrolman William Bell, 25, had been accidentally shot to death by another officer while, altho off duty, he was trying to help capture a robber. Scheu gave the $1,000 check to Mrs. Bell [there were no children], and a few days later the club paid up $1,217 in debts owed by the young couple.

November was the Cook County Hundred club's 37th month of operation, and in those months it aided the dependents of 36 men who died in the line of duty—18 Chicago police officers, nine city firemen, eight suburban or county police, one suburban fireman. The death of the last of the 36 came, extra sadly, on Thanksgiving day. Oliver Singleton, 42, a Chicago police detective, died of a bullet wound which had paralyzed him from the neck down last Jan. 24 when he was shot as he and other officers stopped the robbery of an armored money truck.

Well over $200,000 in club funds was used to help survivors during the period—including the payments to the Rappaport, Lynch, and Singleton families—and about $113,000 remained in the treasury.

In the organization's files are letters which attest to the work this group of Chicagoans has done, to make life a little easier, the nightmare a shade less terrible when tragedy strikes. Like the letter signed "Joan Leifker and the children."

Fireman Edward Leifker, 40, father of six, was on duty at Truck Company 18, 50th Street and Union avenue, on Feb. 7, 1968, when an alarm sounded for the big plant of the Mickelberry Food Products company, just a block away. Minutes after arriving there, truck 18 was a battered wreck and three of its crew including Leifker dead in an explosion and fire which eventually claimed nine lives and injured 72 persons. The club was ready with the first checks, then later Scheu returned to talk with Mrs. Leifker in the home at 6151 S. Wolcott av. Even now, he can't speak of it without a lump in his throat.

"I got there in the evening, and kids were playing on the living room floor, so Mrs. Leifker and I sat at the kitchen table," he said. "I told her we wanted to try to relieve her of any financial burdens she might have.

"She promptly told me she and her husband had no debts, that they'd been people who paid their bills. I said it seemed almost impossible, with six little kids, she wouldn't have any debts at all, but she said that's the way it was.

"We want on talking, tho, and she eventually mentioned that, just two weeks before her husband's death, she'd made the regular payment on their mortgage. I said, 'See, you do have a debt,' and Mrs. Leifker promptly told me a little heatedly, that, no, sir, a 'debt' to her and her husband was a bill overdue, like doctor's or dentist's, while a mortgage was something you paid—on time, too—when buying a home.

"I said that was sure a good way to look at it. But I explained, nevertheless, the club would consider it an honor to clear the $5,100 due on the home, and it turned out, take care of a balance of $1,300 on the station wagon the Leifkers were buying, with never a late payment. She started to cry, and she said: 'You people shouldn't do this. Why don't you save this money for somebody who needs it more than I do?' "

The letter in the files from Joan Leifker, a little Irish gal who looks more like a college junior than a widow with six children, says in part:

"I received your checks and title to my car, and I want to thank you and the people associated with the club. It is still hard to believe there are so many who take time to worry and care what happens to strangers. . . . I have always felt it would be wonderful to have money and be able to help people less fortunate than we were, but until the accident I didn't realize that your club was already doing just that. . . . I sincerely pray that, some day, one of my sons will be in the position to help someone, as your friends have helped us."

Now, because of Hundred club assistance, Mrs. Leifker has been able to sell the Wolcott avenue house and settle, without indebtedness, in a newer bungalow on West 83d street. Of that meeting in February of 1968, she said: "You're in a state of shock at such a time, you don't really know what's happening. It was then, without fanfare or publicity or anything, that the Scheus, first the son with the $1,000 check and then the father, came with the Hundred club help."

The biggest assistance, financially, the club has yet provided went to the widow and four children of Chicago police detective Clayton Robinson, 39, shot in the face and fatally wounded late in 1968 by a drunken loudmouth he was trying to arrest for a street disturbance. Robinson, on the force seven years, and his wife Louise, an elevator operator at the Drake hotel, had moved into a new home on 97th street just a month before, and had made one payment on their $18,800 mortgage when the officer was slain. There were other debts totaling over $4,000. The Hundred club paid them all off, in addition to the $1,000 initial check, for $24,061.

Mrs. Robinson sat in the living room of her home the other day and tried to talk of what the help meant.

"I don't think, really, I can put into words my feelings about what was done for me and my youngsters—without it we'd probably be lost. I'd never even heard of the organization until the day I lost my husband; then this all happened, and we're able to go on, decently and free from want. You don't realize there are people like that in the world any more."

Monetary aid isn't the only kind of help the club can provide. Its membership list is a roster of top-bracket men in a broad spectrum of Chicago business and professions, men who, in addition to their financial contributions to the organization, stand ready to put their personal know-how or influence at the disposal of the organization and the families it cares for. Mrs. Ruth Pollard can vouch for this.

Her husband, Patrolman Charles Pollard, 44, was shot and killed in the alley behind their home on West 21st street just before Christmas of 1967. He had tried to disarm two robbers who held him up as he was parking his car about midnight. The club, as usual, was ready with its $1,000 check, then cleared up some $600 in small debts for the mother and her two children, then set out to pay the $5,946 mortgage on the two-flat residence—and ran into a roadblock. Two, in fact.

First, it was found that Charles and Ruth Pollard had been buying the building in partnership with the policeman's parents, who occupied the lower flat, and it is the club's objective to try to see that each widow is left with clear—and sole—title to her home. Second, it was discovered that the seller, from whom the Pollards had purchased the two-flat in 1958 under a contract agreement, was dead; that offspring of his by a former marriage had inheritance rights under the contract, except they hadn't been found; that his wife at the home of death also had dower rights. Scheu telephones Byron A. Cain, board chairman of the Uptown Federal Savings and Loan association and a Hundred clubber. Cain called in Paul Downing, Uptown's general counsel and a skilled expert in real estate law.

"I'd known Ralph Scheu for years, and was pleased and happy to help, but it was a problem," Downing recalled. "I don't remember how many trips I made to the offices handling the contract sale, way out on the southwest side, or, because you don't keep track in cases like this, how many days of work I put in, but I do know it took somewhere between nine months and a year before everything was straightened out—the policeman's parents reimbursed and given the right to occupy their flat until death, the title otherwise cleared, the contract debt paid and canceled, and Mrs. Pollard presented with a no-loose-ends deed to her building."

What sort of fee, normally, would a lawyer ask to perform the task here for nothing? "Oh it's hard to say exactly, but you could expect to pay him $1,000 to $1,500," Downing said. "But, in the Pollard case, it was a labor both Uptown Federal and I were happy to do."

The Pollard file didn't close there, however,

and further help Hundred clubbers were able to provide makes an amusing footnote to the necessarily somber if heartwarming story of the organization. Ralph Scheu talked of it.

"About 16 months ago, Mrs. Pollard telephoned me," he said. "Seems she'd bought a new gas furnace, paying over $1,200, but it wasn't heating as she thought it ought to. She'd called the heating firm's repair men back several times, but it still didn't do the job, and finally they told me there was nothing more they could do. So, because she said she couldn't think of anybody else who might help, she phoned me.

"I knew the gas company would be the one to contact, but couldn't think of anybody at the top there that I knew, offhand. So, I called Morgan Murphy, who's a vice president of the Hundred club and a top man at Commonwealth Edison."

Phoning a top executive of a big electric utility, which happened to be engaged in a brisk campaign to sell electric heat at the time, and asking him to help do something about a gas furnace was roughly equivalent to suggesting to Henry Ford that he roll up his sleeves and fix a Chevrolet. But Murphy, a merry little man more like the friendliest guy in the neighborhood than a business tycoon, was happy to help.

"I called a read good friend of mine, a misguided Irishman named Jim Condon who somehow got over into the gas business, and asked him if he would send someone really good out to Mrs. Pollard's to see what the trouble was," Murphy said.

James Condon is executive vice president of sales at Peoples Gas Light & Coke company and a forceful business leader who started with the company in 1929 as a water boy for a construction crew. That afternoon, two gas company experts were ringing the Pollard doorbell. In minutes they discovered what the trouble was—a 90,000-B. T. U. furnace had been installed by mistake instead of the 120,000-B. T. U. unit Mrs. Pollard had paid for. Within 48 hours, the undersized furnace had been removed by its installer and the proper one put in place. When senior executives of not one but two such colossi as Peoples Gas and Commonwealth Edison personally interest themselves in seeing that something is done, nobody argues.

One final paragraph on the Pollard case, an excerpt from a letter Mrs. Pollard wrote to Scheu: "I shall always remember and be grateful for what you and the club have done for me. I shall speak up, when I hear of people believing that we are hated and not a part of things. I shall tell them of the help I received from you and the Hundred club out of human compassion. Because you weren't obligated to do one thing for me." Mrs. Pollard is black.

So, this is the story of the Hundred Club of Cook County—an organization of some 500 men who make sure that, whenever a policeman or a fireman meets death in the line of duty, his widow will, first, have a substantial sum for immediate needs, and, second, be quickly relieved of what for her alone could be the impossible burden of a mortgage on her home and other debts.

Detective Gerry Gigante, 36, of the 4th police district, maybe best put into words what it can mean to a man such as he, the awareness that the Hundred clubbers are there behind him:

"There's a feeling of security, knowing that, if anything happens to me, there's going to be such help for my wife, not to make her rich or anything but to give her a way to live," he said slowly, thoughtfully. "But there's more than that, more than the money. What I mean is, there's a good feeling, knowing you have people like that on your side, because these are tough times for policemen, not only here but all over the country. It's not easy being a police officer these days."

Jerry Gigante is familiar with what the Hundred club does because he has watched it in operation from bitterly close at hand. On Oct. 8, 1968, on a morning when Gigante was off duty, his 34-year-old partner and close personal friend, Patrolman John Tucker, was shot to death as he tried to stop a bandit robbing a south side bank. Tucker's loved ones—young widow, three small children—were the 22d family aided by the club, organized just 23 months earlier.

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## CHILDREN'S VIEWS ON THE ENVIRONMENT

## HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. HAGAN. Mr. Speaker, most of us adults are well aware of the growing pollution problem and have demonstrated our concern.

However, I was truly impressed when the principal, Mr. John Aubrey Brown, and his third grade class at Stilson Elementary of Stilson, Ga., in the First Congressional District wrote and expressed their views to me on this subject:

STILSON ELEMENTARY SCHOOL,
*Stilson, Ga., May 17, 1971.*

Hon. G. ELLIOTT HAGAN,
*Sylvania, Ga.*

DEAR MR. HAGAN: I have enclosed a number of letters written by the third grade to you concerning their views on pollution. They have recently finished studying a unit on pollution. I am sure they would be thrilled to get an answer from you.

Our entire school participated in an Earth Day hike to pick up litter, as we also did last year. We collected three truck loads of bottles, cans, paper and other assorted pieces of trash.

I, as well as the third grade, do hope that our government can stop pollution and litter.

Sincerely,

JOHN AUBREY BROWN,
*Principal.*

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STILSON ELEMENTARY SCHOOL,
*Stilson, Ga.*

HAPPINESS IS CLEAN AIR

(By Gregory Kendrick)

Pollution! Pollution!
In the air
Coming in from everywhere.

Some is high,
Some is low,
No matter what,
Its gotta go.

Made of dirt,
Made of fog,
Made of smoke,
Made of smog.

Happiness is clean air,
But oh my
It's very rare.

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ELLABELLE, GA.,
*April 22, 1971.*

DEAR MR. HAGAN: I would like to know what I can do to fight pollution. Please put up more signs on pollution. Please send me a report every month, on pollution to read. I am all for your pollution program. Let's all work to clean up Georgia.

Your friend,

RANDALL ATTAWAY.

RANDALL ATTAWAY.

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PEMBROKE, GA.,
*April 22, 1971.*

DEAR MR. HAGAN: The third grade has celebrated Earth day. We went on a field trip today. We picked up all the trash we saw. We want you to have signs put up on all roads, so every body can help fight pollution.

Your friend,

JIM LEE.

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BROOKLET, GA.,
*May 14, 1971.*

DEAR MR. HAGAN: I hope you will put up more signs about pollution. If you help, I will help too. I will walk down the road and pick up cans and trash. I will help put up signs about pollution and I will help keep America Beautiful.

Your friend,

DAVID LEE.

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BROOKLET, GA.,
*May 17, 1971.*

DEAR MR. HAGAN: Please try to do all you can about stopping pollution. In our cities so many people will have more fresh air. In our streams we can fish and have fresh water.

Your friend,

FAYE MORRIS.

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ELLABELLE, GA.,
*April 22, 1971.*

DEAR MR. HAGAN: The Stilson would like for you to put up more signs along our roadside on pollution. We drew pictures in our class on pollution. We are celebrating Earth Day today. We are having a party. I wish you could come.

Yours truly,

CAROL LYNN HINES.

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BROOKLET, GA.,
*May 17, 1971.*

DEAR MR. HAGAN: I hate pollution. Don't throw your trash out the window. Put a trash bag in your car, truck, or bus. You hate pollution too. I know. You are very nice. Help fight pollution.

Your friend,

DEBORAH STALCUP.

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ELLABELLE, GA.,
*April 22, 1971.*

DEAR MR. HAGAN: I hope you can help us stop pollution. We will pick up paper at school today. Mr. Hagan, I hope you will put up pollution signs. I hope you can help us keep America green and clean. I want to keep America beautiful.

Your friend,

SUSAN DE LOACH.

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ELLABELLE, GA.,
*April 22, 1971.*

DEAR MR. HAGAN: I am a little girl from Stilson Elem. I hope you can help stop pollution. You could put up more pollution signs. Today we are going on a little trip and pick up trash.

Your friend,

LORI DE LOACH.

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BROOKLET, GA.,
*April 17, 1971.*

DEAR MR. HAGAN: Our class wants to help fight pollution with you. We want you and your friends to put up more signs about pollution and litter. We shall all fight pollution in this world.

Your friend,

DALE SANDERS.

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ELLABELLE, GA., *April 21, 1971.*

DEAR MR. HAGAN: The Stilson Elem. school is celebrating Earth Day. We are trying to clean up some of the pollution. We would like for you to help stop pollution. Could you make a sign like "Help, Stop Pollution?" We hope you can.

Your friend,

ELISE GLISSON.

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BROOKLET, GA., *April 22, 1971.*

DEAR MR. HAGAN: Thank you for doing a good job serving our country. I would like for you to help stop pollution. I would also like for you to put up signs like "Help, Stop

Pollution" and "Help Keep America Beautiful." Tomorrow my class is taking part in "Earth Day". We are going on a hike to help clean up our community.

Your friend,

DANA STOKES.

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BROOKLET, GA., *May 17, 1971.*

DEAR MR. HAGAN: I think pollution should be stopped. Something should be done to stop the smog that comes out of the factories and cars. Get people to help keep Georgia clean. Please help keep America clean. Third graders want to keep America clean.

Love always,

BARBARA COOLER.

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BROOKLET, GA., *April 22, 1971.*

DEAR MR. HAGAN: Put up more pollution signs than advertising signs and other unnecessary signs. We need pollution signs in Georgia. I smell dirty air. I want to smell clean air. Help fight pollution and don't be a litter bug.

Your friend,

JEANNE.

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STILSON, GA., *April 21, 1971.*

DEAR MR. HAGAN: I want to talk to you about our pollution problem. I think you should put up more pollution signs. We are going on a hike and pick up all the trash along the roadside. I hope your pollution signs work.

Your friend,

ANNA BLITCH.

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BROOKLET, GA.

DEAR MR. HAGAN: I hope you put up more pollution signs. We want to help stop pollution. We want a clean country. We want a clean road. We want a clean city.

Your friend,

AL SANDERS.

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## RESULTS OF THE SEVENTH ANNUAL DICKINSON QUESTIONNAIRE

## HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. DICKINSON. Mr. Speaker, each spring since coming to the Congress I have asked the people of Alabama's Second Congressional District for their views on a variety of pressing national issues. The results of my latest general opinion ballot have been tabulated and I would like to share these results with my colleagues.

I am of the opinion that the answers of over 10,000 of my constituents are indeed representative of the feelings in the Second District, the State of Alabama, and most probably, the Nation. I urge you to take a few moments to study both the questions and the responses:

RESULTS OF THE SEVENTH ANNUAL DICKINSON QUESTIONNAIRE

I believe you will find the tabulation of your votes on my recent opinion poll both informative and interesting. All of the issues, I believe, are still very timely and quite important to the people of the Second District of Alabama. One very interesting factor in the voting was the participation by both husband and wife. There were spaces to record both, and the women accounted for 52.4 percent of the answers while the men voted 47.6 percent of the total. While the women did participate slightly more in the balloting, there was very little difference between male and female responses.

[In percent]

| | Yes | No | Undecided |
|---|---|---|---|
| **1. Would you favor increasing the national debt by a projected $11,600,000,000 for the fiscal year 1972 in order to stimulate the economy and reduce unemployment?** | | | |
| Total | 26.5 | 65.7 | 7.8 |
| Baldwin | 20.2 | 71.4 | 8.3 |
| Butler | 32.2 | 61.6 | 6.3 |
| Conecuh | 22.2 | 64.4 | 13.3 |
| Covington | 25.8 | 67.8 | 6.4 |
| Crenshaw | 28.9 | 62.7 | 8.4 |
| Escambia | 29.2 | 63.3 | 7.5 |
| Lowndes | 17.3 | 71.2 | 11.5 |
| Montgomery | 28.5 | 63.5 | 7.9 |
| Pike | 26.1 | 67.0 | 6.9 |
| **2. Do you approve of the administration's plan for getting the United States out of Vietnam including the use of air support in Laos and Cambodia?** | | | |
| Total | 76.0 | 17.8 | 6.1 |
| Baldwin | 74.5 | 19.1 | 6.5 |
| Butler | 82.9 | 10.0 | 7.1 |
| Conecuh | 64.4 | 26.7 | 8.9 |
| Covington | 78.0 | 14.2 | 7.8 |
| Crenshaw | 79.5 | 12.0 | 8.4 |
| Escambia | 76.1 | 14.5 | 9.4 |
| Lowndes | 86.5 | 9.6 | 3.8 |
| Montgomery | 75.8 | 18.8 | 5.4 |
| Pike | 75.9 | 15.3 | 8.8 |
| **3. Would you be willing to pay substantially more for products and services (automobiles, gasoline, electricity, etc.) if they were made virtually pollution free?** | | | |
| Total | 46.6 | 46.7 | 6.7 |
| Baldwin | 46.8 | 45.6 | 7.6 |
| Butler | 37.6 | 56.2 | 6.2 |
| Conecuh | 32.2 | 56.7 | 11.1 |
| Covington | 38.6 | 54.0 | 7.4 |
| Crenshaw | 41.0 | 54.2 | 4.8 |
| Escambia | 46.9 | 45.6 | 7.5 |
| Lowndes | 36.5 | 55.8 | 7.7 |
| Montgomery | 48.9 | 44.8 | 6.4 |
| Pike | 36.4 | 55.2 | 8.4 |
| **4. Do you believe there is a need for an independent Federal agency to help protect consumer interests?** | | | |
| Total | 49.0 | 44.4 | 6.6 |
| Baldwin | 45.6 | 45.9 | 8.5 |
| Butler | 46.4 | 46.4 | 7.1 |
| Conecuh | 55.6 | 34.4 | 10.0 |
| Covington | 45.8 | 47.2 | 7.0 |
| Crenshaw | 41.0 | 53.0 | 6.0 |
| Escambia | 41.0 | 50.4 | 8.6 |
| Lowndes | 48.1 | 44.2 | 7.7 |
| Montgomery | 52.2 | 42.2 | 5.6 |
| Pike | 48.7 | 41.4 | 10.0 |
| **5. Do you favor the President's proposal for revenue sharing?** | | | |
| Total | 54.2 | 32.5 | 13.2 |
| Baldwin | 52.6 | 33.7 | 13.7 |
| Butler | 64.5 | 25.1 | 10.4 |
| Conecuh | 51.1 | 33.3 | 15.6 |
| Covington | 60.3 | 25.3 | 14.4 |
| Crenshaw | 54.2 | 37.3 | 8.4 |
| Escambia | 49.7 | 31.5 | 18.8 |
| Lowndes | 46.2 | 42.3 | 11.5 |
| Montgomery | 54.5 | 32.7 | 12.8 |
| Pike | 54.0 | 29.9 | 16.1 |
| **6. Now that 18-year-olds are permitted to vote in Federal elections, do you believe they should also be allowed to vote in State and local elections?** | | | |
| Total | 59.2 | 37.1 | 3.7 |
| Baldwin | 53.3 | 42.6 | 4.2 |
| Butler | 59.7 | 37.9 | 2.4 |
| Conecuh | 53.9 | 38.2 | 7.9 |
| Covington | 56.6 | 38.0 | 5.3 |
| Crenshaw | 54.2 | 39.8 | 6.0 |
| Escambia | 54.2 | 41.0 | 4.9 |
| Lowndes | 38.5 | 57.7 | 3.8 |
| Montgomery | 61.8 | 34.7 | 3.4 |
| Pike | 70.9 | 27.2 | 1.9 |
| **7. Would you favor a change in a U.S. Representative's term of office from the present 2-year term to a 4-year term?** | | | |
| Total | 68.7 | 27.7 | 3.7 |
| Baldwin | 62.1 | 33.1 | 4.8 |
| Butler | 66.4 | 31.3 | 2.4 |
| Conecuh | 62.2 | 31.1 | 6.7 |
| Covington | 71.3 | 25.0 | 3.7 |
| Crenshaw | 62.7 | 33.7 | 3.6 |
| Escambia | 61.5 | 33.7 | 4.9 |
| Lowndes | 71.2 | 28.8 | 0.0 |
| Montgomery | 71.9 | 24.8 | 3.3 |
| Pike | 67.4 | 28.7 | 3.8 |
| **8. Would you vote for a national health insurance program for all Americans which would be financed by increased social security and other Federal taxes?** | | | |
| Total | 23.3 | 71.0 | 5.7 |
| Baldwin | 22.3 | 72.3 | 5.4 |
| Butler | 28.4 | 65.4 | 6.2 |
| Conecuh | 16.7 | 75.6 | 7.8 |
| Covington | 21.5 | 71.0 | 7.4 |
| Crenshaw | 32.5 | 66.3 | 1.2 |
| Escambia | 19.3 | 72.4 | 8.3 |
| Lowndes | 17.3 | 80.8 | 1.9 |
| Montgomery | 24.6 | 69.8 | 5.6 |
| Pike | 21.5 | 72.4 | 6.1 |
| **9. Do you support President Nixon's family assistance plan which would guarantee a minimum income to every family but require able-bodied adults to accept suitable employment or job training?** | | | |
| Total | 46.6 | 4.83 | 5.0 |
| Baldwin | 43.2 | 49.9 | 6.9 |
| Butler | 47.9 | 46.9 | 5.2 |
| Conecuh | 41.1 | 54.4 | 4.4 |
| Covington | 43.1 | 52.7 | 4.3 |
| Crenshaw | 44.6 | 55.4 | 0.0 |
| Escambia | 42.4 | 52.3 | 5.4 |
| Lowndes | 21.2 | 71.2 | 7.7 |
| Montgomery | 49.6 | 45.7 | 4.7 |
| Pike | 41.9 | 54.6 | 3.5 |
| **10. Would you favor an all-volunteer military as an alternative to the present draft system?** | | | |
| Total | 46.5 | 47.6 | 5.9 |
| Baldwin | 48.7 | 44.2 | 7.0 |
| Butler | 43.1 | 50.2 | 6.6 |
| Conecuh | 33.3 | 60.0 | 6.7 |
| Covington | 48.1 | 46.3 | 5.6 |
| Crenshaw | 57.8 | 34.9 | 7.2 |
| Escambia | 48.5 | 42.6 | 8.8 |
| Lowndes | 47.1 | 49.0 | 3.9 |
| Montgomery | 44.8 | 49.7 | 5.5 |
| Pike | 50.0 | 45.4 | 4.6 |
| **11. Are you favorably impressed with the overall performance of the Nixon administration during its first 2 years?** | | | |
| Total | 55.4 | 37.6 | 7.0 |
| Baldwin | 50.4 | 41.3 | 8.3 |
| Butler | 48.6 | 46.2 | 5.2 |
| Conecuh | 47.8 | 38.9 | 13.3 |
| Covington | 54.3 | 39.4 | 6.4 |
| Crenshaw | 42.2 | 57.8 | 0.0 |
| Escambia | 45.8 | 43.4 | 10.7 |
| Lowndes | 47.1 | 45.1 | 7.8 |
| Montgomery | 59.2 | 34.4 | 6.4 |
| Pike | 48.3 | 44.0 | 7.7 |

| | Republicans | Democrats | Independents |
|---|---|---|---|
| **12. Voting preference:** | | | |
| Total | 34.8 | 18.5 | 46.7 |

## THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. ANDERSON of California. Mr. Speaker, in the very near future, Congress will be considering H.R. 1, a comprehensive 687-page bill which, among other things, grants a 5-percent increase in social security benefits, includes the administration's family assistance plan, and levies an 86-percent increase in the payroll tax over the next 6 years.

On the Federal level, there are two basic taxes on the individual. First, the income tax, is designed to insure that those with substantially the same incomes are paying substantially the same tax and to insure that the graduated income tax structure treats different income levels fairly. The second tax, the payroll tax, is levied against everyone at the same rate, but falls particularly hard upon the middle and moderate wage-earner.

In another blow to the working man's wages, H.R. 1 calls for an 86-percent raise in the payroll tax from the present 5.2 percent on wages up to $7,800, to 7.4 percent on wages up to $10,200. In monetary terms, this means that the working man, who paid $405 payroll tax last year, may end up paying $755 in future years.

For the low- and moderate-income family, the payroll tax can become a burden far out of proportion to what the worker and his family can afford to pay. A married worker, earning $8,000 a year, paid $405 payroll taxes; however, if H.R. 1 is adopted with the proposed payroll tax increase, he would pay an additional $191—for a total of $596 in payroll taxes. This is in addition to the Federal income tax he pays on the same earnings.

Mr. Speaker, the social security tax, as proposed in H.R. 1, is most regressive. Under the provisions of the committee recommendation, anyone earning $10,200 or less would pay a payroll tax on all of his earnings. Those earning $20,400 would pay on only the first half of theirs, those earning $30,600 on only the first one-third. Yet, the $30,600-a-year man gets an equal retirement benefit as a man earning $10,200.

THE CLOSED RULE

If the past is any indication of the future, H.R. 1 will come before the House of Representatives with a closed rule, which, in effect, prohibits amendments. If H.R. 1 comes before us with a closed rule, we will be required to approve or reject a single bill which: First, increases payroll taxes by 86 percent, second, increases social security benefits by 5 percent, third, liberalizes medicare, fourth, liberalizes the social security recipients earning test, fifth, provides for a guaranteed annual income of $2,400 for a family of four, and sixth, prohibits the participation of certain needy families in the food stamp program.

While we support the provisions which bring needed reforms, we may oppose the sections which are regressive. Nevertheless, we will not have an opportunity to vote on each individual section. We will be asked to accept or reject H.R. 1 in its entirety.

Therefore, Mr. Speaker, we must reject the closed rule in order to allow amendments to H.R. 1. In addition, we must reverse the trend of increasing the payroll tax which falls most heavily on the low- and moderate-income wage-earner.

At this point, I include an article which appeared in the Washington Post regarding this issue:

THE GROWING IMPACT OF PAYROLL TAXES ON MIDDLE INCOMES

(By David S. Broder)

Among the many publicly unexplored issues buried in H.R. 1, the welfare reform and social security bill devised by Chairman Wilbur Mills (D-Ark.) and the House Ways and Means Committee, is a tax increase on middle-income families that will almost double the size of the second-biggest bite on their paychecks in the next six years.

Under the bill, the Social Security tax rate will rise in three steps from the present 5.2 per cent to 7.4 per cent in 1977. The wage base for Social Security taxes will increase from the present $7,800 to $10,200 next year, with the result that the payroll tax for a man making a bit less than $200 a week will rise from $405 to $755 a year.

By contrast, that same auto worker, supporting a wife and two children and taking only his standard deductions, will have an income tax bill of $1052 this year, decreasing to $995 with next year's scheduled income tax reductions.

What this example indicates is that payroll taxes are becoming an increasingly important part of our revenue system—yet one which has largely escaped debate, either in political campaigns or in the tax-writing Ways and Means Committee.

Unbeknownst to most Americans, payroll taxes now constitute the second largest source of federal funds—and the fastest-growing. Payroll taxes provide more income to the treasury than corporate income taxes or any other federal taxes except the individual income tax. And the 1972 budget estimates that between last year and next, payroll taxes alone will rise $12.3 billion, while individual and corporate income taxes combined will grow by only $7.2 billion.

What this means is that we are becoming increasingly dependent for federal finances on the payroll tax, a tax that is not progressive, that has little relationship to ability to pay, and whose burden hits hardest on low-and-middle-income wage-earners.

That this can happen without a murmur of debate or political controversy indicates just how insensitive to real pocketbook issues the Washington politicians have become, particularly those Democrats who control Congress and parade as the champions of the average man.

The impact of payroll taxation has been amply documented in the studies of such Brookings Institution specialists as Alice M. Rivlin and Joseph A. Pechman. It appears also in the report of the administration's advisory council on social security. But it is almost as if there were a conspiracy of silence by politicians to keep the taxpayers and the voters unaware of these issues.

In part, the Brookings studies suggest, the social security tax system has been protected from debate by two carefully cultivated myths. One is the notion that it is a "social insurance" system, in which an individual's contributions (taxes) are held in trust for him and returned, with interest, as retirement benefits.

In fact, it is not. It is, rather, a system of transfer payments to currently retired people, financed almost entirely by taxes on the working generation. There is nothing wrong with this, in principle, but it is not what people think it is.

The second myth is that the employer pays half the social security tax. In a literal sense, he does, but, as the Brookings studies demonstrate, the whole tax really falls on wages and the wage-earner, because the amount the employer pays in social security taxes he would otherwise be putting into the paycheck.

This is worth emphasizing. When the Social Security system began 35 years ago, the tax rate was one per cent each on employee and employer on the first $3,000 of annual earnings. With the new bill, the combined rate rises to almost 15 per cent of the payroll on wages up to the $10,000 level.

That tax is levied regardless of the number of dependents or legitimate deductions the earner has. It gives no real consideration to his ability to pay.

This year, as the Brookings analysts have noted, a family with a husband earning $7,000 and a wife earning $5,000 will pay $624 in payroll taxes (5.2 per cent). A family with the identical income from one wage earner would be taxed only $405.60 (3.4 per cent).

That is one inequity. Another is pointed up in the advisory council study. When the social security system began in the 1930s, the $3,000 wage base included all the earnings of all but three per cent of the workers. The wage tax, in those days, was, in effect, the same tax on everyone.

But in recent years, Mills and his committee have been reluctant to push the wage-base ceiling up as fast as inflation and earnings have increased. Today, somewhere between 20 and 25 per cent of the wage-earners make more than the wage-base limit. These well-off workers get a real break on social security taxes. A $23,400-a-year-man, for example, gets just as big retirement benefits as a $7,800-a-year-man, but the effective payroll tax rate on his income is just one-third of the lower-salaried man's.

There are ways in which these inequities could be remedied. Proposals have been made for years to shift a portion of social security financing onto the progressive income tax and off the regressive payroll tax.

Without going that far, there could be a system of deductions or income tax credits that would help the low-income wage earner who now is hit hardest by payroll taxes. But Congress, under Democratic control, has done exactly the opposite in recent years, cutting income taxes and raising payroll taxes, and thereby making the whole federal tax system more regressive. According to partcipants in this year's Ways and Means sessions, the question of social security taxes did not receive any extended discussion. If Mills is successful, as usual, in obtaining a closed rule for the bill, there will be no meaningful opportunity for presenting amendments to it on the House floor.

This example—and it is only one of many—suggests the price that is being paid for letting vital questions of economic policy be settled in the politically insulated, tightly controlled environment of the Ways and Means Committee's closed sessions. Too many members of Congress have become accustomed to letting Wilbur Mills do their thinking and decision-making on difficult questions.

But it also indicates something else: the peculiar insensitivity of the leading Democratic politicians, including the presidential aspirants, to the economic issues. Discussing the inequities of payroll taxing may not attract as much praise at Georgetown cocktail parties as a ringing denunciation of the bombing in Laos or the tactics of the Washington police. A candidate who took a serious look at our tax system might even suffer a sudden shortage of campaign contributors.

But there are issues that can be raised, wrongs that can be righted, and votes that can be earned by the politician who will deign to consider matters that matter to wage-earners.

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## COAST GUARD'S ASSISTANT COMMANDANT SARGENT STRESSES NEED FOR MAINTAINING FULL MILITARY STRENGTH

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. FASCELL. Mr. Speaker, on May 14, Vice Adm. Thomas R. Sargent, Assistant Commandant of the U.S. Coast Guard, addressed an Armed Forces Week luncheon in Miami, Fla.

I found his remarks not only most interesting, but particularly relevant to the important role which our military forces play in defending our country.

Admiral Sargent very cogently points out that we must not live with a false sense of security. He reminds us that within the last generation, Nazi U-boats sank American ships and took American lives only 15 short miles from where he was delivering his speech in Miami. More recently, he points out, medium range missiles were discovered being installed in Cuba, only 90 miles from our shores, an act which precipitated the crisis which brought us closer to the brink of nuclear war than any other event since World War II.

Mr. Speaker, this speech emphasizes what I have been saying for years in reference to the need to maintain our forces at full strength, particularly our Coast Guard, Army, Air Force, and Navy military complement in the area from Homestead to Key West and the Caribbean.

Hearings before my Subcommittee on Inter-American Affairs last year confirmed the increased Soviet naval activity in the Caribbean, and indicated the strong possibility that a nuclear submarine base was under construction at Cienfuegos, Cuba. During these hearings, Adm. E. B. Holmes, Commander in Chief of the Atlantic Command, stated:

> The Southern flank of the U.S. is perhaps one of the most vulnerable. . . . A reduction of military capability in this whole area in the face of (the Soviet presence) strikes me as folly.

Furthermore, Soviet trawlers in the area have been harassing American fishing boats in the same waters which were plied by the Nazi U-boats less than 30 years ago. They have kept our Coast Guard busy.

Last week, Admiral Sargent's speech reaffirmed the need to keep our forces ready to defend our Nation. I commend his speech to our colleagues:

SPEECH BY VICE ADM. THOMAS R. SARGENT

I am sure a group this size represents many different viewpoints on almost every topic. But I think we all can agree on one thing—we like short speeches. So I intend to limit my remarks today to just ten minutes.

My uniform is that of the United States Coast Guard. But I would like to speak not as a representative of the Coast Guard—though I am certainly proud of our service—but rather as a member of the Armed Forces of the United States. For this is Armed Forces Week, and Saturday is Armed Forces Day. It is a special time designated each year by Presidential Proclamation to pay tribute to all five of our Armed Forces: the Army, the Navy, the Marines, the Air Force, and, of course, my service, the Coast Guard.

All of these Armed Forces play an important role in the defense of our Nation. Over the years, one lesson we have learned and learned well is that teamwork is essential to victory. Much of our peacetime training is devoted to practicing the close cooperation we need in time of war. There is a great deal of sharing of training facilities and exchanges of information. Coast Guard cutters participate in Navy exercises for example. And Navy engineers study our newest propulsion plants to see what they might adapt to their newer vessels—we exchange helicopter pilots with the Air Force in Southeast Asia. So though each of the Armed Forces wears its own uniform, we share a common goal, and pull in the same direction for a stronger United States.

Of course, we have our differences. Annually, we compete for our share of the budget on Capitol Hill. We compete for recruits. We even on occasion call each other names like swabbie, dogface, airdale, or jarhead. There are no doubt many jarheads here today?

Well, let me tell you that this hooligan has nothing but the highest admiration for the traditions and the ability of the United States Marines.

Though we may kid one another, deep down there is a large measure of mutual respect among all of the services. Ask a marine who landed on Guadalcanal, or Leyte, or Okinawa what he thinks about the Coast Guardsmen who manned the boats that carried him to the beach. Ask an army veteran of Normandy Beach or of Vietnam what he thinks about the navy pilot or air force pilot who flew air support missions. There is no question about the fact that among ourselves we have a great deal of respect.

But outside the military these days, there seems to be a growing feeling of suspicion, or distrust, in some cases maybe even scorn of the man who wears a uniform. Too many young men seem to think that serving in the Armed Forces is the mark of a "loser." And more unfortunately, too many of the parents of these young men, parents old enough to know better, do everything they can to discourage their offspring from a military career.

Others warn "beware the military-industrial complex," and quote General Eisenhower. They neglect, however, to quote another portion of that same famous Eisenhower statement in which the late general said:

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

Certainly the critics of the military love their country and all the good things that freedom brings. But somehow they have forgotten that freedom has its price; somehow, any nation that is to endure, must provide the strength to defend itself against all possible threats. It would be wonderful if all the world was peace-loving, if all nations could "beat their swords into plowshares." Wonderful, but under existing world circumstance, unrealistic.

It would be wonderful if you citizens of Miami didn't need a police force or fire department. Think of the taxes you could save; and I feel sure that the utility companies could lower their rates if they didn't have to provide men and equipment to take care of unforeseen events that threaten to disrupt the power and communications you need for daily survival.

The Armed Forces of the United States are just as important to the continued well-being and survival of our Nation as your local police department, fire department, ambulance service and other emergency organizations are to your own community.

What about the men who make up our Armed Forces? Are these men you should fear or distrust? No, of course not, no more than you would fear or distrust one another—for the men in the Armed Forces are simply citizens in uniform. This has been true since the earliest days of our Republic. The man who wears a Coast Guard uniform—like his counterpart in the other four branches of the Armed Forces—is just like one of you. They don't come from a single class. They come from all walks of life, from the East and the West, from the North and from the South, from rural communities, from huge cities, from farms and factories. Their names reflect the diverse heritage that is so typically American—Schultz, Wagner, Murphy, Smith, Kontowski, Coletti—they are black, yellow and white—they are Americans.

Those of us in the Armed Forces are not much different than you men in the civilian world. Oh, our hair may be a little shorter, and we like to think that we might be in a little better physical condition. But essentially we are just like you or your neighbors.

The only difference is you have hired us to do a job—you have hired us to maintain the defense of this Nation—we work for you—we are your employees. When you think the task of defending this Nation is important you hire more of us and invest more money in new equipment. When you get tired of paying the bills—when you think you don't need the defense we provide—when the voices of the critics get louder, you cut back and our Armed Forces get smaller and weaker. It has happened before, and it could happen again.

Little more than 15 miles from where you sit is the beautiful gulf stream. Isn't it a little frightening, gentlemen, to remember that only some 29 years ago Nazi U-Boats roamed at will. They not only roamed—they sank ships, lots of ships, and took American lives. Why? How could an enemy operate so close to the homes you hold so dear?

The answer is very simple. There were not enough men, not enough ships and not enough planes to cope with the strength of the Nazi U-Boat Fleet. He was thousands of miles from his homebase. We were right at home. But the hulks of ships sunk during these early days of the war litter the bottom of the entire east coast.

The Navy did what they could—the Coast Guard kept every ship and boat and plane operating to the fullest extent of human endurance—the Air Force flew day and night patrols—yet right here on your doorstep, right here at home in plain sight of the shore, Americans died at sea because there wasn't sufficient force available to resist a tenacious enemy.

The lesson? If your home is likely to catch fire, you better hope that your fire department has sufficient hose to reach the hydrant.

Later on, of course, as our forces grew, we were able to put the fire out. Joint efforts of the Navy, the Coast Guard and the Army Air Corps drove the Nazi away from our coasts and eventually, massive sea and air attacks broke the back of the U-Boat Fleet. But in those early months, the situation was pretty grim—I know—I was here at sea.

That was back in 1942, so let's look at a more recent example. Just seven years ago, in the fall of 1962, another enemy posed a threat to the gulf coast and to much of our Nation. I speak of the medium range missiles

that were discovered being installed in Cuba. Suppose that we had been as weak in 1962 as we had been twenty years earlier?

Fortunately we weren't, fortunately we had the strength in being—the physical and moral strength and the combined power of modern armed forces. Because the President had at his disposal coordinated power that could move in an instant, we were able to demand and enforce an enemy withdrawal. Because we had the force, we didn't have to use it. Without firing a shot, a battle, and perhaps a war, was won.

I think it is appropriate that we remember some lines from one of President Kennedy's Speeches. In a speech he never delivered, a speech prepared for a luncheon meeting at Dallas on November 22, 1963, he said:

"We in this country, in this generation, are—by destiny rather than choice—the watchmen on the walls of world freedom. We ask, therefore, that we may be worthy of our power and responsibility—that we may exercise our strength with wisdom and restraint—and that we may achieve in our time and for all time the ancient vision of peace on earth, goodwill toward men. That must always be our goal—and the righteousness of our cause must always underlie our strength."

We in the coast guard, and men in the other armed forces are proud to be a part of your strength. We have confidence that you will keep us strong so that we may help preserve this nation which we all love so well.

Thank you very much.

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MYRON S. WALDMAN

## HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. WOLFF. Mr. Speaker, few of the journalists with whom I have worked since coming to Congress have impressed me as much as Mike Waldman. As the Capitol Hill correspondent for Newsday, he has been at once probing, illuminating, incisive, fair, and an especially distinguished wordsmith.

When, earlier this month, Washington was the scene of massive demonstrations by thousands of young people, Mike, like all good reporters, was there.

And, being there, he became one of those who, through first-hand experience, were deeply angry at the way in in which the authorities combatted those demonstrations. It is my belief that the simple eloquence of his account of the arrests merits being included in this RECORD. I know and respect Mike well enough to feel confident that he could not be so angry without cause, and I would like to share his thoughts, as printed in Newsday on May 25, with my colleagues.

The article follows:

MYRON S. WALDMAN, NEWSDAY WASHINGTON BUREAU

On a sunny May morning, a man paused on a broad avenue to watch a company of soldiers standing in the street. As he watched, a girl, about 19 or 20 years old, came strolling along the sidewalk. She recognized the man as one who had talked with her and several companions the night before although neither the man nor the girl knew the other's name, she paused to say good morning.

"If I were you I'd get out of here," the man whispered to her. "Why?" the girl asked in amazement. "I've done nothing wrong." She tried to continue to speak but the man shook his head. "Get off the streets," he said. "They're arresting everybody." The girl smiled. "They won't arrest me," she said. "I've done nothing wrong."

The man had not recognized the girl as a lawbreaker in any way. He only saw she was a member of a minority group being swept off the streets. But he did not tell her this. He did not tell her to walk into the nearby museum where she would be safe. Instead, he only stared as she walked on.

The girl crossed the street and began walking on the next block. She managed to get about a quarter of the way along that block before the patrol wagon came. Two men in helmets and dark uniforms leaped out and gently but firmly impelled her to the wagon. The man stared as the wagon doors closed on the girl, and the wagon moved off.

That was not the beginning of a bad World War II movie about Nazi Germany. That was not a science fiction film about a totalitarian government of the future. That was the morning of May 3, in Washington, D.C., the street was Constitution Ave., and I was the man who stood there. That was the morning when it suddenly became illegal for a minority group—every young person in denims and fatigues—to walk the streets of the nation's Capital.

Newspapers deal in immediacy and by that standard May 3 and the aggravating, illegal attempt by thousands of young anti-war demonstrators to block morning rush hour traffic is already deep in the past. But the manner in which the metropolitan police of Washington dealt with that widescale, unlawful peace demonstration is an issue which will be debated for months to come. It is an issue that has become crucial because Police Chief Jerry V. Wilson has repeatedly said that he will use the same tactic to disperse similar illegal demonstrations in the future.

Chief Wilson, widely recognized as a cool, even-handed man who commands a forcce that could be a model for any city in the country, was given the endorsement of the Justice Department for these new—and disturbing—actions. But a Senate resolution has lauded him for his tactics and he has been praised by the highest administration officials, including the President and the attorney general. Mr. Mitchell went so far as to urge other cities to copy Wilson's tactics.

To civil libertarians, this can only mean that high government officials are saying that the response of a democracy to illegal repressive acts must be the abandonment of the democratic process through the technique of indiscriminate mass arrests. Moreover, on the streets and highways this reporter walked on May 3, mass arrests seemed not to come where the young people were blocking traffic. Instead, they appeared to occur on those streets and highways only after the rush hour had ended and the protest also seemed to be over.

For example, at the height of the rush hour near 14th St. and Main Ave., a police lieutenant stood with a detail of 20 men. A sergeant pointed out to him that about a dozen demonstrators had formed a human chain across the road, blocking traffic. "All right," the lieutenant said, "get 10 men and chase them out of there and then come back." The sergeant carried out his orders precisely and no arrests were made, even though the young people were clearly violating the law. Later, on West Potomac Parkway, two motorcycle patrolmen broke up another human chain by riding their bikes at the protesters. One demonstrator was knocked over by a motorcycle. The police and demonstrators bickered over the young man who had been brushed but apparently not severely injured. Again, no arrests were made.

In West Potomac Park, such scenes were witnessed time and again—police chasing demonstrators like fathers running after naughty children, their aim only to keep traffic moving and not to make arrests. In this, it seemed to this reporter that they were both overpermissive and successful.

It was only after 9 A.M.—when the demonstrations, on Constitution Ave. at least, were over and the rush hour had ended without the protesters achieving their disruptive goal—that the arrests en masse began. At Dupont Circle, a major Washington intersection, colleagues reported that arrests did begin about 7:30 A.M. But at both Dupont Circle and on Constitution Ave. it seemed as though every casually dressed young man and woman simply walking the streets was abruptly taken into custody.

Surely, many of them were demonstrators; equally surely, many of them were not. But since none of the pedestrians was breaking the law at the time, it seems clear that the police could not know how to separate the innocent from those who had committed illegal acts. And to judge from the way the court cases came out, this indiscriminate formula for cracking down seems of dubious utility. Of the 12,000 arrested during that first week in May, 1,999 have already gone to court. Of these, only one demonstrator was convicted after a trial; 584 were freed after entering no-contest pleas. All the rest had their cases dismissed or were found innocent.

By far, the greatest majority of arresting officers were gentle as they took persons into custody. Still, this reporter, standing on sunny Constitution Ave., on the morning of May 3, was moved to recall the words of Sen. Margaret Chase Smith (R-Me.), spoken June 1, 1970, on the floor of the Senate. "Ironically, the excesses of dissent in the extreme left can result in repression of dissent," she said then. "For repression is preferable to anarchy and nihilism to most Americans."

Yet it seemed to some that on May 3, there might have been a third way; namely, legal arrests of those plainly breaking the law. In a speech on the Senate floor shortly after the events of May 3, Sen. Jacob Javits (R-N.Y.) declared: "It is most important that Americans do not say, 'We are for civil liberties, but not when it might be difficult to grant people these liberties.' Let us not, in our thankfulness for nonviolence, relax our vigilance in the protection of such liberties."

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CUBANS PROCLAIM GREATNESS OF AMERICA AND WARN US OF THE SOVIET THREAT

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. RARICK. Mr. Speaker, in an informative report on the nearly 650,000 Cubans taking refuge in the United States in the past 12 years since the Communist Fidel Castro assumed power, U.S. News & World Report of May 31, 1971, relates the success story of Cubans who came to the United States penniless and some without a knowledge of English. Through hard work, often at menial jobs, they have proven themselves to be productive members of our society and have advanced to positions of ever greater contribution to our productive economy.

Castro's refugees are truly America's gain.

Contrary to the opinions about this country expressed by many of the recent antiwar demonstrators in our Nation's Capital, these Cubans who have experienced repression and tyranny find America to be a land of opportunity and the greatest nation on earth.

In addition to being grateful to these Cubans for the constructive contributions they are making to American life, we Americans are appreciative of the advice and warnings their informed leaders are giving us regarding the grave peril to the United States and to freedom posed by the Soviet military buildup on their enslaved homeland.

In an article entitled "Pearl Harbor—U.S.A." the 1970 newsletter of June 1971, published by Mr. Howard Freund; Mr. Marcelo Prieto warns of the exploitation of Cuba as an offensive base for an attack against the mainland United States. He emphasizes the imperative need to expel the Russians from Cuba so as to restore freedom to Cuba and to save America. The Monroe Doctrine—which was diplomatically repealed—again proves the soundness of American doctrine for Americans.

In a speech of May 21, 1971, to the Miami Council of the Navy League of the United States, Dr. Manolo Reyes, Latin American news editor of station WTVJ of Miami, cites facts and figures to show the transformation of the pre-Castro navy of 46 surface units with a strictly defensive mission into an enlarged and more modernized fleet of some 337 offensive units—a Russian Navy flying the Cuban flag—with a mission of exporting the revolution of the Castro-Communist regime.

This latest information on the situation in Cuban reinforces my arguments—see CONGRESSIONAL RECORD pages 16544–57 of May 24, 1971 entitled "Cuban Independence Day Is a Reminder of America's Pledge To Restore Freedom to Cuba."—that this country should assist and not resist free Cubans in their efforts to restore freedom to their homeland before the cancer of communism infects other free nations of the Western Hemisphere.

I insert an article from U.S. News & World Report, the article "Pearl Harbor—U.S.A.," and Dr. Reyes' speech to follow:

PEARL HARBOR—U.S.A.

If I can prove to you the evil designs of a foreign power bent on your destruction, would you take action to defend your families, your home and yourself????

Back in early December 1970 it dawned on me that this nation was being conditioned and prepared for a communist attack and take over. You may say and think it cannot happen here since you and I have never known an adversary as cunning and devious as the enemy we face today nor can we comprehend total war as the Communists fight it.

Our adversary the Russians are masters at the game of chess and deception. Chess to any military man is the game of war and world conquest. Intrigue, hidden moves and motives are prime ingredients in warfare before victory can be achieved. Men, materials, and money are moved around like pawns, rooks, horses and bishops while the screened and protected Queen waits patiently to deliver the COUP DE GRACE . . . and before you know it the game is over . . . and then it is too late to mount a counter attack.

The Cubans who lost their freedom know what I say is true because they were enslaved before they realized what was happening to them and their country. The same thing is happening here in America today. . . . Lack of respect in the institutions of government . . . lack of respect for authority . . . lack of morals . . . runaway inflation . . . erosion of buying power and the destruction of the middle class . . . falsely incited race hatred . . . insidious treason in government and the communications media.

All these things happened in Cuba plus they were sold out by our country for expediency in 1962, when a United States President didn't have the guts to enforce the Monroe Doctrine. Our fate and that of the Cuban people was sealed when we allowed Communism to get a foothold in the Western Hemisphere.

La Prehsa, La Tribuna, Patria and La Voz would not feature my article PEARL HARBOR—U.S.A. on page 1 of their papers if they did not recognize the threat to this country, which is the last hope for them. If America falls to Communism then it is all over for our Cuban, Hungarian, Polish, Czech and German exiles who are waiting for the day to return home after years of exile. America has been a friendly haven which has become a benevolent jail, preventing them from taking action to restore freedom to their countries.

If America goes then communism has the world and they need fear nothing . . . Viet-Nam, the Middle East, Turkey and Berlin are diversionery movements while the Continental United States is and always has been the main target of the Reds. Think about a beacon of light which gives hope and a pathway to break the darkness for those who want only to go home to countries where they may live as FREE MEN. If the Reds can put the LIGHT out here then they go out all over the world. That is the thesis on which our enemies are guided and what dawned on me the evening I wrote my article. . . . Pearl Harbor—U.S.A.

Now to update the article I wrote in early December of 1970 to today, April 27th, 1971:

On April 3rd, 1971 the Soviet Defense Minister, Andrei A. Grechko said at the 24th Soviet Party Congress "the forces of reaction are again trying military adventures against the Soviet Union and the Socialist camp and are preparing to unleash terrible war." "However our armed forces are always ready to chastise the aggressor and right on that territory from which he dares violate our borders." "Our Army is equipped with weapons of great destructive force and capable of reaching any point on the globe, on land, sea and air".

On April 20th, 1970 our Secretary of Defense, Melvin Laird stated about the Soviet Union, "Thus in the space of five years from 1965 to 1970. . . . The Soviet Union has virtually quadrupled the total megatonnage in it's strategic offensive force. In the same period the United States reduced it's megatonnage by more than 40%" . . . April 22nd, 1971, Secretary of Defense Laird reported that the United States has fresh evidence, "confirming the sobering fact that the Soviet Union is involved in a new-and apparently extensive ICBM construction program". . . . "This new ICBM construction effort, coupled with additional momentum in the strategic defense area—all clearly planned months ago—must be of major concern". . . .

Here is what we reported in our earlier article based on figures released in September of 1970 by the American Security Council in Washington, D.C.; as to the Soviet ability to bring their destructive weapons to our shores:

220 Early model ICBM missiles (types SS–6; SS–7; SS–8).

800 small ICBM missiles (types SS–11; SS–13).

300 large ICBM missiles (type SS–9)—the SS–9 has a range of 6600 miles and can carry a 35 megaton warhead . . . can also be fitted with multiple warheads.

280 submarine launched ballistic missiles (type SSN–6).

300 submarine launched cruise missiles.

? Orbital space bombs.

The submarine borne missile as well as the SS–9, ICBM missiles in the Soviet Union are essential for a first strike on the United States. The ICBM with its large warhead has but one target. . . . Our nuclear deterrent the Minuteman missile and the submarine missile is targeted for our airborne deterrent as well as airfields, communications, military bases and population centers in the United States.

Senator Henry Jackson of Washington and a member of the Senate Armed Services Committee reported on March 7th of 1971 what I warned earlier. . . . that while Soviet Nuclear Deployment of the SS–9 missiles had been suspended a new improved Soviet Missile of the SS–9 type was in production and and missile silos were being constructed. So while the Soviets spoke of peace and while we believed their words since there was no evidence of the Russian intent they went on building new and improved weapons bent on the sole purpose of destroying our Minuteman missile retaliatory strength.

The SS–9 missiles are being fitted with MIRV (Multiple Independently-Targeted Re-Entry Vehicle) warheads which will give them three times their present offensive strength.

In the words of Senator Jackson, it will come "As a shock to most Americans that the Russians are deploying a new generation of offensive systems while indicating a contrary position by holding back on SS–9 deployment". . . . The Pentagon did not deny any of the charges made by Senator Jackson.

On the same subject, Joseph Alsop reported on 3/12/'71 that "before SS–9 deployment was suspended 300 of these gigantic weapons had been put in place. All have pretty certainly been fitted with a Triple warhead the Soviets have already tested. That means that the existing SS–9 force is probably sufficient at this moment to destroy about 3 of every 4 of the U.S. Minuteman Missiles". The new missile can do even more damage in destroying the 1 out of 4 missiles not accounted for by the SS–9. With each passing day our nuclear deterrent withers away and soon our Minuteman Missiles will be worthless as a means of defense. Alsop states that the time necessary between the turning of a spadeful of dirt to an operational Soviet Missile is 18 months. . . . The question is when did the Russians first turn over that first spadeful of dirt and if it really takes 18 months.

Here are the words of Senator Barry Goldwater in March, 1971. . . . "A strategic parity was reached about six months ago, the Soviets pushed right ahead into the first stages of strategic superiority over the United States". . . . The big question is whether the Russians will use this superiority to blackmail the world and impose it's will with power. . . . How ripe are we for the plucking????

I wrote back in December of 1970 that I was convinced of the Russian plan when I read of the establishment of a Russian submarine base at Cienfuegos, Cuba and the construction of 8 lane super highways without center lanes. Highways without center lanes are nothing more than airfields and the Russians have in Cuba great numbers of Mig fighter bombers which can be fitted with racks to carry nuclear bombs. While we have been defending against the large Russian Strategic Bombers the Russians have their attack planned with fighter bombers capable of a range of 1400 miles, which will come out of

underground fields in Cuba in swarms when the time is ready. Yes Cuba is the key to the attack on the United States and without it we are a little safer since all of our continental targets are within range of submarines operating out of Cuban waters, land based missiles in Cuba, and airborne nuclear bomb carrying Mig fighter bombers.

In the past 4 months I have spoken to the leaders of the Free Cuba Movement as well as objective reporters who have helped me piece together the facts into this article. Men like Jose de la Torriente, Martinez Marquez, Dr. Manolo Reyes, Mr. Luis Manrara, Armando Sifredo and others... All agree with me of the important position of Cuba in the plan to destroy the United States. . . . And the imminence of the attack. In my original article I wrote that I did not believe there were Russian missiles in Cuba . . . After investigation I am now convinced that there are Russian missiles in Cuba and in the words of Jose de la Torriente, "They are all over Cuba". The establishment of the Russian submarine base at Cienfuegos has ominous meaning. The harbor at Cienfuegos is now off limits to Cuban fishermen and ships entering the bay cannot see what is on the right side because it is screened off to view. The Soviet base as reported from the underground resembles closely the U.S. naval base at Guantanamo, Cuba. Cienfuegos has an offensive purpose and could also be a training camp for a very important and prime Soviet target in Cuba . . . Guantanamo.

The latest Russian Polaris-type submarine, the Yankee class has the ability to fire from a submerged position a ballistic missile with a range of 1,300 miles. Here is what the Russian base at Cienfuegos, Cuba means: a submarine operating out of this base in the Gulf of Mexico can place a missile into Chicago, Detroit, New York and St. Louis. . . . The Russians have been testing a submarine borne missile with a 3000 mile range, which takes in every target in the United States. Admiral Hyman Rickover and another wonderful patriot who just died, Representative L. Mendel Rivers, Chairman of the House Armed Services Committee have been warning us of the terrible results a Russian base in Cuba will unfold. Both of these men are experts in their field . . . can we do less than listen to their warnings?

In December of 1970 I wrote that I anticipated the Strategic Arms Limitation Talks (SALT) to sound like pie in the sky . . . and peace in our land will again be heard in the land . . . all part of the Communist strategy to lull us to sleep . . . Our President just signed a treaty with the Russians banning nuclear weapons from the world's seabeds. This could only hurt the United States since our aim is deterrent and nuclear weapons on the ocean's seabeds would serve as perfect defensive weapons since they are so hard to find and destroy. We have had nuclear weapons on the seabeds before and why we gave up this option for defense in exchange for Russian promises leads me to believe the treason is very deep. So while we continue to reduce our armament and the Soviet Goliath continues to amass the weapons of destruction we will shortly become the David of the 20th Century with only a sling-shot to defend the Free World. It is interesting to report the words of Russian Premier Alexei N. Kosygin on signing the pact for the Soviet Union . . . "in the future, too, will not spare efforts to find solutions to urgent problems connected with stopping the arms race and disarmaments" . . . How about now!!!! Now they are working day and night to build the weapons that will make it possible for a PAX Russian in a Russian ruled world.

The treason from within is a great part of the Communist Master Plan. . . . We have our capitol now occupied by Red indoctrinated fifth columnists who are helping and abetting the Communist cause by disrupting our government. House G.O.P. Whip, Leslie Arends (Ill.) put it very well, "Those who trumpet so loudly about the size of our defense budget, using the myth of a military-industrial-complex as a scapegoat, invariably call for a reordering of our priorities that there may be an increase in spending on social programs" . . . we have had a decrease in spending for defense in the fiscal years 1969, 1970, 1971 at an average of $2 billion per year in an era of inflation, which means a much greater actual decrease in spending than the figures show.

Among nations only the strong survive and we in America are weak from within and a tempting plum ripe for the plucking from without. . . . We are morally weak in believing that the Communists would even contemplate living with the Free World without conquering it. We have grown fat, weak and weary with too much of an emphasis on cradle to grave support and welfare while excellence was penalized and the lazy and unproductive were rewarded with the fruits of our labors.

The great ponderable to the Soviet Union is can they attack the United States and not be destroyed by our deterrent. The Middle East is the key to the Soviet Defensive Plans and is being used as a testing ground for the SAM-2 and SAM-3 missiles just as Germany and Italy used the Spanish Civil War in 1936. Joseph Alsop reveals in one of his articles titled "Soviet missile strength more than meets the ear". He reports that SAC analysts believe that the Russians already have an extensive and efficient Anti-Ballistic Missile system disguised as part of it's anti-aircraft defenses. The problem is called "SAM-upgrading" and it was recently given 30 hours of study by CIA Director Richard Helms. Defense is the key to offense since the Russians dare not attack us as long as we have the capability to destroy them on the return blow. They have deployed approximately 1200 of a new defensive missile which our military people call "Tallinns" or SA-5's. This missile has a range of 100 miles and an altitude of 100,000 feet, which is above the atmosphere. These missiles are deployed in most parts of the Soviet Union where the SA-2 missiles are placed, which gives them a double defensive capability. Moscow is already protected by an ABM system known as Galosh. "SAC analysts believe, the upset in the balance of nuclear-strategic power is already far greater than the worst pessimists suppose outside the government's secret chambers". To fit in with the SAM-2 and SAM-3 testing The Institute for Strategic Studies in London reports there are 12,000-15,000 men in Egypt in SAM-3 missile crews and 4000 advisers to the Egyptians manning the SAM-2's . . . And as for the infallability of our missile going off without the President's hand or the Vice-President's . . . do you really believe the President will be around when the time comes for PEARL HARBOR—U.S.A. The mission to destroy our President and Vice-President will be handled by the traitors who have been hidden a long time ago and have access to them by their high station for this one purpose.

In the Pearl Harbor—U.S.A. article written in December I wrote that the Communists would intensify their peace talks six months before attacking us. SALT talks have been going on daily in Geneva while the TROJAN HORSE is completed in CUBA and RUSSIA. And now we have ping-pong diplomacy with Red China just like the Peace in Our Time of Neville Chamberlain. And as the bible says (Isaiah XLII, 3) "There is no peace saith the Lord, unto the wicked". . . . Peace to the Communists is but another means of waging war and ultimately enslaving the Free Nations of the World. In the 17th century Jonathan Swift described today's situation . . . "This is the sublime and refined point of felicity, called the possession of being well deceived: the serene, peaceful state of being a fool among knaves." And there is subversion in high places to make our people believe the big LIE that the Communists really want PEACE. We can have PEACE with the Russians if we accept the peace of a slave who must obey the will and whim of the Master. Oh Mr. Nixon you are such a fool if you believe the Communists will ever let us live in Peace.

In Conclusion we know that the Russians have the intent to conquer the world and we now know that they have the means to destroy us without suffering terrible retribution. The only thing we do not have pinpointed is the exact date of Pearl Harbor—U.S.A.

Since surprise, stealth and the unexpected are necessary to minimize our ability to retaliate we know that the attack will come on a national holiday, when our defenses are weakest. There are three national holidays coming up in the fall and winter of 1971 and each has been set up as a contingency date for Pearl Harbor—U.S.A. The first date is Labor Day, September 6th, 1971. The second, Thanksgiving Day, November 25th, 1971; and the third, Christmas Day, December 25th, 1971.

The harvest will be in by the September date. The activities in the Middle East fit in here since before any Russian attack can be made against the United States, they must know if their defensive system will work. The United States tipped its hand by giving the Israelis our Shrike Defensive Missile, which homes in on enemy radar which is the brains of the SAM-2 and SAM-3 missiles. As soon as the Russians are able to conquer this problem their Egyptian ally will commence the 3rd round of Middle East hostilities. The only thing the Russians want to know in the Middle East is if their missiles can knock down the Israeli Phantom Jets. They will encourage an Israeli victory or truce to lull the world to sleep for the last time before beginning Pearl Harbor—U.S.A. If the Russians are not able to achieve their purpose with a three month peace offensive then they will step the date up to Thanksgiving Day and as a last resort will attack on Christmas Day of 1971. General Curtis LeMay the former head of SAC predicted a while ago that the Soviet Union would issue within 18 months an ultimatum to the United States to surrender or else.

The key to the attack is the Russian base in Cuba and we must do everything possible to expel the Russians by any means including open warfare if necessary to restore freedom to the people of Cuba. To allow Russia to remain in control of Cuba insures our destruction. The Russians will not attack us if we invade Cuba since their plan cannot work without the Cuban base operating as a Trojan horse in our back yard. The longer we wait only insures our destruction and as Plato said many centuries ago, "For evil to triumph all that is necessary is that good men do nothing." Let us fish in troubled waters and free Cuba and save America.

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[From U.S. News & World Report, May 31, 1971]

FLIGHT FROM CUBA—CASTRO'S LOSS IS U.S. GAIN

In the 12 years since Fidel Castro came to power, nearly 650,000 Cubans have sought refuge in the United States.

Most have found far more than refuge. They have found homes, jobs—and opportunities. Thousands of refugees, in only a few years, have launched new careers in professions and business.

The story of this big wave of immigrants is a success story seldom matched in this country's long history of immigration. Few other nationality groups have taken root so quickly or progressed so rapidly.

WARM WELCOME

Some of this rapid progress can be credited to the aid given by the U.S. Government. No other group of immigrants in history has been accorded such a helpful welcome.

Much of the Cuban success, however, is generally attributed to the efforts and ability of the Cubans themselves.

Talk to the Cuban refugees and you get still another explanation.

"What we have found in America is the land of opportunity—the greatest nation on earth," says Carlos Arboleya, who in nine years rose from an almost penniless refugee to be president of a Miami bank.

The mass migration of Cubans to the United States is still continuing. Each month about 3,600 stream in on an airlift financed by the U.S. Government. These are people Castro let go with the contemptuous remark that they were the "worms" of his Communist society.

In America, however, they are proving, by and large, to be capable, hardworking people who are making major contributions to American life.

A CROSS SECTION

The Cuban refugees are scattered widely around the country. But about half of them have settled in south Florida. Nowhere else is the Cuban success story so visible as it is in this area.

Wherever you turn, the Cuban influence can be seen and felt. The new mechanic at the corner garage may not speak English fluently—but he can fix your car. The Cuban bus boy in the restaurant, the record suggests, may soon be running that restaurant.

Whole hospitals are now staffed by Cuban doctors. A prime example is the 300-bed Pan-American Hospital in Miami. In all, about 2,000 Cuban doctors have settled in the Miami area.

These refugees, records indicate, are good credit risks. Those who have borrowed money have, for the most part, paid it back. Cubans on relief are generally too old or too ill to work.

The Cuban impact on the U.S. is felt at many levels. There is a growing and articulate Spanish-language press. Movie houses in Washington, D.C., in Newark, in New York and in dozens of other cities show films in Spanish for tight-knit Latin-American communities. Across the land, restaurants with Cuban food and entertainment are opening.

Dade County, Florida, which includes Miami, is the hub of Cuban life in the United States.

Mayor Stephen P. Clark of Miami estimated that 350,000 Cubans now live there. Nobody can be positive about the number—but it is known that some Cubans, after resetting elsewhere, return to Dade because of the mild climate and the proximity to other Cubans and the homeland. Cubans tend to dislike the cold North American winters.

TRADE CENTER

Because of the bilingual pool of talent in the Miami-Dade area, more and more American companies have set up their Latin-American trade headquarters there—33 in Coral Gables alone.

Among those companies are Alcoa, Dow Chemical, Chicago Bridge & Iron, Coca-Cola, Goodyear, Atlas Chemical, International Harvester, Johns-Manville and Bemis. Many of these trade headquarters are run by Cubans.

Of course, it's not all clear sailing for the refugees, but in the main their story is one of astonishing achievement.

President Arboleya of the Fidelity National Bank of Miami explains the success formula of his Cuban compatriots in these words:

"They work. The man works, the wife works, the children who are old enough work."

Mr. Arboleya has shown what a refugee can do. In 1960, at age 31, he arrived with his wife, an infant son and $40 in cash. Banking was his field, but banks were not bidding for the services of refugees. He started as an inventory clerk in a shoe factory at $45 a week. Eighteen months later he was the office manager. Eventually, he got a bank job. By 1966, he was executive vice president of Fidelity National. In February of 1969 he became an American citizen—and president of the bank.

RETAINING OLD TIES

Mr. Arboleya, whose son became an Eagle Scout at 13, likes to tell of the special camps for Cuban Boy Scouts in Miami, where the Cuban flag is flown alongside the American flag.

"Our Boy Scouts salute the Cuban flag with respect for our homeland," he says. "But," he adds, "they not only salute the American flag—they pledge allegiance to it."

Tully Dunlap, president of the Riverside Bank in Miami, credits Cuban business with lifting his bank out of the doldrums in the mid-'60s.

Deposits started to move up in 1965, breaking a steady downward trend which set in with the flight of American customers to the suburbs in 1961, Mr. Dunlap says, and "Cuban deposits now total over 16 million dollars and we have 18,000 Cuban accounts."

The New York-New Jersey area is another place where Cubans congregate. Some 75,000 are estimated to be living in New York and 52,000 in New Jersey. One of them is Dr. Carlos Marquez Sterling, who was a candidate for President of Cuba in 1958.

Today Dr. Sterling is professor of Spanish literature at C. W. Post College of Long Island University at Greenvale, N.Y. He says this:

"Most of the people who have come to the United States from Cuba have succeeded. Their success has been outstanding in many fields—business, medicine, university teaching, accounting, law and transportation."

Oscar Rodriguez was 16 and his brother, Omar, was 20 when they came to New Jersey as refugees in 1960. Their first jobs were as sweepers in a garment factory. Today they run their own garment factory, employing 75 people.

A DOCTOR'S STORY

Dr. Ramon Rodriguez-Torres walked away from his own private hospital in Cuba after Castro took over. The doctor, his wife, two small children and his parents arrived virtually penniless in Puerto Rico. A year later he was in Brooklyn's Down-state Medical Center as an instructor in pediatrics. From there, his advancement was swift.

Dr. Rodriguez-Torres studied for and passed several State medical examinations. He is now a full professor and director of the center's pediatric cardiology department. He also started an intensive-care unit for children at Kings County Hospital—said to be the first of its kind in the U.S.

"My family and I are very proud and happy to be in this wonderful country where we have seen all our work and effort rewarded," he says.

At Milledgeville, Ga., 68 Cubans are among the 113 physicians on the staff at Central State Hospital, the big complex for mental patients. Five of the 10 directors are Cubans, each heading units with 700 to 1,000 patients.

Central State's top heart specialist is a Cuban, Dr. Sergio C. Alvarez-Mena. He is chief of cardiology at the hospital and also associate clinical professor of medicine at the Medical College of Georgia.

Dr. Addison M. Duval, director of Georgia's mental-health division, declares: "We just couldn't have made the improvements that we have without the help these people gave us; it was a mutually beneficial thing."

In Atlanta, where most of Georgia's 5,000 Cubans live, assimilation has been no problem. Cuban leaders estimate there are 100 of their countrymen in various businesses, while about 50 per cent of the adults hold positions as college or university professors, doctors, engineers, accountants or business executives.

A HOUSTON GROCER

Typical of the Cubans who have made good as tradesmen—there are thousands of them—is Hector Cardet, 41, who owns a grocery store in Houston. The store specializes in Cuban foods and is a gathering place for the Cuban community.

Before fleeing Cuba in 1963, Mr. Cardet owned a grocery store in Havana. Like so many others, he reached the U.S. without funds or knowledge of the English language. He found work as a stockman for a chain of convenience grocery stores.

"At night," Mr. Cardet says, "I would load up the back of my car with Cuban-type groceries and sell them door to door to Cuban families in Houston."

In two years, he saved enough to open his own grocery store—and later a restaurant which employs Cubans as waiters and cooks.

Mr. Cardet calls the U.S. "the greatest country on earth." But given the chance, "I'd go back home," he says.

The Cuban population of Ohio has been estimated at 2,300. There are 3,000 Cubans in Michigan. Concentrations of these refugees are found in major cities of both States—especially in Detroit and Cleveland.

Occupations are varied, ranging from the pastor of Our Lady of Guadalupe Catholic Church in Flint, Mich.—Father Eduardo Lorenzo—to an assembly-line worker for the Ford Motor Company in Ypsilanti—José A. Cabrera. Mr. Cabrera is also president of the Cuban association of Michigan.

David Caveda, a manufacturers' representative in Columbus and president of the Cuban refugee group there, says he knows of only three Cuban families on welfare, all of them aged. He adds:

"There are no able-bodied Cubans on welfare. We belong to a society where people take care of one another. There is a pattern—the ones established here help the newcomers."

A Cuban refugee in Detroit, Reinaldo Gonzalez, is now an executive for an auto-parts supplier. In 1961, he joined the company as an export clerk. Now, 10 years and eight promotions later, he is responsible for manufacturing schedules for Federal-Mogul Corporation in Western Europe and Latin America.

Mr. Gonzalez explains his attitude toward America and Cuba:

"I feel . . . the way I feel about my mother and my wife. I love both, and my love for one does not interfere with my love for the other."

As the only Spanish-speaking person in his suburban neighborhood, Mr. Gonzalez has a standing joke with his next-door neighbor: "I'm better off than you are—I don't have a Cuban living next door to me!"

THE CHICAGO SCENE

Between 20,000 and 30,000 Cuban refugees are estimated to be living in the Chicago area. About 500 of these are doctors and there are approximately 100 Cuban lawyers.

One Cuban in Chicago makes this appraisal: "Some have done well, some not so well, depending mainly on how they did in Cuba."

Another refugee took a more positive view, pointing out that a Cuban had to be highly motivated to leave his homeland—overcome the obstacles to getting permission to depart—and then buckle down to work in a strange land. Motivated people, he explained, generally succeed. And, he said: "We were prepared, whether we knew it or not."

In Columbus, Cuban Orlando Alonso, made himself so valuable that he ended up taking over the business when the owner died in 1969.

When Mr. Alonso left Cuba in 1962, he went to work as a truck driver for Columbus Pest Control Company. In a few months, he was chosen to run the business whenever the owner was away. The business had its most

profitable year in 1970—under Mr. Alonso's management. He and his wife and three children live in a Columbus suburb. The 18-year-old daughter will soon marry an American.

Cuban family ties, traditionally close, account in part for the low number of failures among the refugees.

A newly arrived refugee often will receive money by mail from relatives and close friends who preceded him. A contribution may be $1.50, or it may be $50—whatever the donor can afford.

The established Cuban will give up something he needs and uses every day to help a relative get a foothold. For example, one head of household returned to his Miami home one night to find the table and chairs missing from his kitchen. His wife had given them to a relative just moving into the area.

These close ties, a willingness to help one another and a fanatical belief that hard work is the key to success lie behind the Cuban experience in America.

Few success stories are more dramatic than that of Mr. and Mrs. José Torres and their daughter, Norma. The Torres family arrived in New Orleans in 1967 with nothing but the clothes they wore—and the Braillie ruler Mr. Torres had fashioned from wood. Both he and his wife were blind.

But José Torres was also a skilled cabinetmaker and before long he was hard at work, learning English and setting up shop with borrowed funds.

Business is slow at the moment but he keeps going with sales of doll houses, jewelry cases, candlesticks and liqueur cups. His daughter is an outstanding student in the nursing school at Louisiana State University.

RECORD AS SCHOLARS

In the field of scholarship loans, young Cubans have been especially responsible in meeting their obligations. Congress recently heard testimony that of the 12,800 loans granted to Cubans for college education, only 147 were delinquent—a performance which outstrips the national average.

The Cuban experience in the U.S. is not an unbroken string of economic miracles. Many old persons find they cannot learn English, or that ill health keeps them from working. There are problems of assimilation in some areas—and complaints of discrimination.

In Los Angeles, the Cuban is in a particularly strange situation—he is a minority within a minority, and thus, in effect, invisible to the indigenous community.

There are some 1.1 million Spanish-speaking persons in this area. The presence there of perhaps 50,000 newcomers from Cuba makes scant impression on people in general.

These Cubans appear to have little interest in becoming part of the Mexican-American scene. They have settled instead in a variety of small pockets throughout the city.

MASS TRANSPLANTS

Organizations like the International Rescue Committee and the Cuban resettlement division of the Catholic Welfare Bureau have helped some 35,000 Cubans go from Miami to Los Angeles. It is estimated that an additional 10,000 to 15,000 went to southern California on their own.

About 11,000 Cubans in the area are on welfare, Los Angeles County officials say the relief bill for Cubans comes to a million dollars a month—which is refunded by the U.S. Government.

Observers report a lack of rapport between Cubans and other Spanish-speaking persons there. The Cubans seem to identify more with the "Anglos," whereas Mexican-Americans tend to cling to their old Mexican culture.

There is another big difference. The militant Mexican-American sometimes leans leftward politically. Cuban refugees aren't buying anything that smacks of Communism. It's hard to find a Cuban with a Castro-type beard.

Even in Los Angeles, however, there are bright spots for Cubans. A community spirit, for a time dormant among them, has begun to develop. A Cuban Chamber of Commerce now has 100 members. About 300 Cuban-owned businesses have been established. A biweekly tabloid newspaper—"La Presna"—has a Spanish-language circulation of 15,000, predominantly Cuban.

And like every other area, Los Angeles has its successful refugees.

A GROWING RESTAURANT

Eddemio Lopez came from Cienfuegos, Cuba, nine years ago—penniless he says, "like everybody." He sold Bibles and encyclopedias door to door. He and his brother saved enough to open a little restaurant. It seated 25. Then the brothers bought an adjoining building and enlarged their operation. Today the prospering restaurant seats 110—and employs 13 Spanish-speaking persons.

In San Francisco, some of the Cubans complain about discrimination, especially when it comes to getting good jobs and job training. Some have had difficulty in finding any jobs at all.

And a discouraged high-school student said: "Florida is the best place for Cubans; there are enough others there to help you, to support your business."

Cubans admit—and express gratitude—that U.S. Government programs help them get started in this country.

On their arrival in Miami on the U.S.-financed airlift, they are welcomed by U.S. officials and given temporary housing in "Freedom House" at the airport. There they register with the Cuban Refugee Program of the U.S. Department of Health, Education and Welfare, and also with a volunteer agency of their choice.

The volunteer agencies arrange transportation for refugees to homes of relatives, with the cost met by the Federal Government. Refugees also receive checks from the Florida welfare department—$100 for a family, $60 for a person. Washington repays Florida for this.

As soon as they reach their relocation city, refugees are eligible for public welfare, with Washington again reimbursing the States.

All told, from the time the Cuban Refugee Program began in February, 1961, through the end of this fiscal year on June 30, the U.S. Government's obligations for aiding Cuban refugees will total 583.8 million dollars.

A GOOD INVESTMENT

Federal officials regard this as a good investment. Howard H. Palmatier, director of HEW's Cuban Refugee Program put it this way:

"We cannot overlook the Cubans' incalculable contribution to our nation. They have paid millions of dollars in local, State and federal taxes. Their presence and efforts have created, directly or indirectly, literally thousands of jobs throughout the United States—which generate even more tax revenues. And perhaps most important, they are still making this contribution."

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SPEECH BY DR. MANOLO REYES, LATIN AMERICAN NEWS EDITOR, WTVJ

I am not a military or naval expert. The information which you are about to hear was sent to us by the Cuban Patriotic Resistance. We believe this information to be the first of its kind to be said publicly. It is all related to Fidel Castro's Navy, which is a vital tool for the exportation of his so-called "revolution". We say "so-called" because there is no such revolution, rather that Castro is an agent for international communism and what he is exporting is international communism.

To begin this analysis, we must say that before Castro the Cuban Navy was highly respected by the Cuban people. It was always a non-political body. Presently, Castro's Navy is despised because, among their missions of hate, they must persecute and machine-gun defenseless Cubans (men, women, and children) who try to flee through the Florida Straights.

Before Castro, the Navy was made up of 28 surface units: three frigates, one cruiser, twelve sub-chasers and twelve Coast Guard vessels. The pre-Castro Navy's main mission was to guard the coasts. Its mission was strictly defensive.

The Merchant Marine before Castro was made up of 18 surface units which represented approximately 48,000 tons. None of these units was more than 5,000 tons. Hence, Cuba's Naval forces totaled 46 surface units.

Now the question: What is the present Naval situation of the Red Regime in Cuba? Directed by the Russians, Fidel Castro has divided his Navy into three parts: the War Fleet, Merchant Marine and so-called "Fishing Fleet".

Castro's War Fleet has been tripled by the Russians since early in 1970. Presently it is made up of about 80 units. Among them are torpedo boats, missile boats, konsomal boats and sub-chasers. The Komar boats have two missiles with a range of 40–50 miles. All of these are for offensive purposes. Also, British sources have reported that the Russians have given Castro 8 small submarines. This brings the total of offensive naval units to 88.

The Castro Merchant Marine, under the direction of the Russians, now has 49 units with a displacement of approximately 327,000 tons. Of this number, some 18 units exceed 5,000 tons each. This Merchant Marine, as we will explain later, is completely dedicated to the transportation of men and arms for the expansion of international communism.

Finally, Castro, following the Russian dictates, has established the so-called "Fishing Fleet" in Cuba, made up of some 100 Russian made trawlers, each approximately 800 tons, and almost 100 wooden Lambda boats. The "Fishing Fleet" has everything except a fishing boat and its purpose is for the infiltration of international communist agents, transfer of arms, espionage and counter-espionage.

To sum it up, the Navy before Castro totaled 46 defensive units. Now it totals some 337 offensive units and has only one purpose: to export the revolution of the Castro-Communist regime.

In a rapid analysis of the twelve-and-a-half years in Cuba since Castro, it can be said that the economy is in ruin. The Cuban people are suffering from tremendous rationing and there is almost no fuel (charcoal or petroleum) in Cuba.

Now, how is it possible for Fidel Castro to maintain his present navy if Cuba's economy is in ruin? If there is no money to buy the articles of primary use, how were so many naval units obtained? If there is no fuel, how are these units operated? Where did he get the officers for a Navy that grew so fast?

It is our belief that there is only one explanation: Cuba is the Russian trampoline of the Caribbean. Cuba is being used as the base for military and political expansion of the Russians in the Western Hemisphere. The Russians have provided and today maintain Castro's Navy—even if the navy does fly the Cuban flag—for the exportation of international communism. The majority of the Naval officers of these ships were born in the Communist World even though their passports list them as Native Cubans. This is the Russian Navy with the Cuban flag.

How was this situatiton initiated? In the year 1963, according to reports received from the Cuban Patriotic Resistance, a Russian Admiral, Ivan Baikov, Director of the Russian Naval Academy in Leningrad, took charge of the Cuban Navy. That began a complete change. The Russian Admiral said that the traditional Naval Academy in Cuba,

in Mariel, was obsolete. It would be considered third level.

The Naval Academy was then transferred to the Monteverde farm, which was the property of a North American citizen, in the area of Boca del Mariel.

Later, two superior naval centers were created: One in Tarara and the other in Barlovento in Havana. The students of these centers receive strong communist training, as well as training in the sabotage of port installations, intelligence, espionage and counter-espionage. The most outstanding students are sent to Russia for final indoctrination.

Admiral Baikov declared that the new naval center in Havana was to be used as the seat of the Russian Joint Command in peacetime. And that underground installations should be built so that the Russian High Command could function in times of prewar and war.

The Naval system in Cuba was operated by departments similar to that of the United States Navy. Baikov divided it up into sections and sub-sections.

In the center of the Port of Havana, it is easier to find a Russian officer in uniform than it is to find a Cuban. The orders which proceed from there are signed by Cubans, even if they are illiterate. Said orders are prepared by Russian bilingual personnel and later authorized by a Russian naval officer. In this way, secret cargo can be transported under the Cuban flag, never under the Russian flag.

Each Cuban boat has an experienced Russian officer who speaks Spanish and carries a native-Cuban passport (possibly with a Cuban name). He is the actual ship commander. Sometimes he is merely a first-class sailor.

Each ship is an integral part of Castro-Communist territory. This is why there is an Russian security officer on board. It is understood that at each port the communist agents know precisely who is on board each ship. For the few who are not communists and sail under Castro's flag, to transfer to a ship is to leave one prison for another.

The Russian Admiral (Baikov) authorized Captain Daniel Alvarez (alias Captain Ramirez) to direct Castro's Merchant Marine. Captain Alvarez is approximately 60 years old, with more than 40 years of naval experience in Spain's Communist Navy. He served on the cruise ship "Canarias", later seeking asylum in Algiers, France. From Algiers, he went to Moscow. There he was named an agent of the NKVD and had several interviews with Stalin. Later, he fell into disgrace and was deported to Siberia where he lost a lung. He was brought back to Moscow by Nikita Khrushchev and placed his former position. Currently, in Cuba, his title is "Delegate of the Soviet Union in Control of the Merchant Marine."

The flag ship of the Merchant Marine of Cuba is the Sierra Maestra and it displaces 17,350 tons. This ship was built in Eastern Germany and was first received and commanded by Jesus Jimenez Escobar. Escobar received several levels of communist indoctrination. Jimenez Escobar, along with Captain Alvarez (Ramirez), formed the shipping lines of Mambisa Navigation in different parts of the world to provide ports for Castro's ships.

In 1968, Jimenez Escobar was named to the Cuban delegation to the United Nations. Months later he was expelled from New York by the United States for his non-diplomatic activities. Apparently he was supporting the Black Panthers.

Presently, there is a Russian naval base at Cienfuegos and a military arsenal at Havana. There are two large docks. One is a 20,000-ton dry dock and the other is a 10,000-ton floating dock.

Operations are directed by eight high-ranking Russian naval officers. Strong security is maintained by frogmen and an electric net. On land, there is a color-coded control system.

To describe how Castro's Navy performs espionage and the exportation of international communism, here are some examples:

In 1960, the ship "Bahia de Nipe" took arms from Cuba to the so-called "Liberation front" in Algiers, which was still under French jurisdiction. In 1962, the ships "Aracelio Iglesias" and "Gonzalez Lines" carried tanks and cannons, automatic arms and troops to take part in the war between Algiers and Morocco.

In 1965, the motor-ship "Uvero", weighing 10,250 tons, left with arms, men and equipment for Africa to Dar El Salam. We were told that all this equipment and some of the men later were sent to the guerrilla operation in Bolivia. During the voyage to Africa, the captain of the ship never spoke with the officers and meals were served to another high ranking person in the captain's cabin (no one knowing who he was). We believe it was Ernesto "Che" Guevara.

In 1965, the Sierra Maestra took a special trip to Communist China. It embarked from Cuba empty and was so important, that two cuban freighters, "Antonio Maceo" and "Jose Marti", escorted her from the islands of Cape Green in South Africa to Santiago de Cuba, in Oriente province. She brought back a load of special arms which were unloaded in Santiago de Cuba. These secret arms were taken to Gran Piedra under great security. Gran Piedra is near the Guantanamo Naval Base.

Meanwhile, Castro's Russian masters have continued their expansion work in Cuba. Presently, great naval activity is reported on the two extremes of the island.

In Oriente Province, (in the region known as Saetia, to the north of the Bay of Levisa near the Bay of Nipe) the Russians are dredging as they did when they began their base at Cienfuegos.

At the Western tip it is reported that the prisoners on the Peninsula of Guancabibes have been removed and a military road is being built (more than 6 meters wide) from "El Cayuco" to the Cape of San Antonio. This area is totally deserted and a great distance from other activity on the island. It should be an ideal location for subversive activities. It is expected to help in the transportation of arms in barges to or from mother ships, anchored nearby. The initial analysis of this activity is that it will aid in the transportation of arms to Latin America.

This is a short and sketchy summary of the Cuban Naval situation under Castro-Communism. A navy which means a real and actual threat to the peace and tranquility of the entire American Continent. A Russian Navy with the Cuban flag.

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## DAVID ROCKEFELLER DISCUSSES NEW URBAN DEVELOPMENT PLAN

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### HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. REUSS. Mr. Speaker, the June 7, 1971, issue of U.S. News & World Report contains an interview with Chase Manhattan Bank Chairman David Rockefeller in which he discusses a new plan for rebuilding U.S. cities. I commend Mr. Rockefeller's remarks to my colleagues:

WHAT IT WILL TAKE TO BRING CITIES BACK TO LIFE: INTERVIEW WITH DAVID ROCKEFELLER, CHAIRMAN, CHASE MANHATTAN BANK

Can anything be done to keep whole cities from decaying into slums? A plan to rebuild the cities—and establish new ones—with billions in federal and private funds is advocated by banker David Rockefeller. Mr. Rockefeller came to the conference room of "U.S. News & World Report" to explain his proposal.

Q. Mr. Rockefeller, are the big cities close to collapse, as some of the mayors say they are?

A. While that particular statement may be a little overdramatic, it certainly is true that the big cities are in real trouble.

Q. Why do you say that?

A. The school system, law enforcement, the welfare system, housing and other aspects of city administration have deteriorated markedly in the last several years, and perhaps at an accelerating pace.

Q. Is that because city governments need more money?

A. Revenue is certainly a part of it. But, more importantly, the problem stems from the changing composition of the cities. In the period since World War II, two basic trends have developed:

On the one hand, our nation—though it has become increasingly productive from an agricultural point of view—has become much more mechanized, so that the number of agricultural laborers has declined sharply, with the result that in the agricultural areas, particularly in the South, there is less employment than formerly. This has induced many agricultural workers to move to the large cities, where they felt there would be greater opportunities for them.

At the same time, the home-loan programs of the Federal Housing Administration and the Veterans Administration made it possible for a great many more people in the middle classes to build and own their own houses. By and large, they chose to build them in the suburbs rather than in the central cities. So we've seen an exodus of the middle-income groups from the cities at the same time that we've had an influx of lower-income groups to the cities.

This has had an important bearing on the economy of the city, for the city was required to provide more services for these low-income families that were moving in than it had for the middle-income families that were moving out. But the newcomers, with generally lower incomes, were producing less in taxes, so that there were decreased means to meet the larger requirements. And of course, at the same time, the trouble was compounded by inflation, which added still another burden on city finances.

Q. Do you think that the welfare system attracts Southern migrants to the big cities?

A. There is difference of opinion on that. Although I'm not sure that one could say it is the predominant inducement, it is at least a collateral inducement. It is surely true that the welfare benefits provided by the States have differed considerably—and, by and large, the Northern States have provided more generously than some of the Southern States. That probably does have some influence on migration.

Q. Haven't the States and the Federal Government been pouring billions into cities to help them meet their problems?

A. Yes. But in retrospect, the money hasn't been spent as wisely as it could have been. I think as we look back now at the federal program, which gained momentum in the '40s and '50s, there are two criticisms that perhaps could be made of it:

It concentrated almost exclusively on housing and not other related community activities, and I think this has proven to be a

mistake. The funds were not used to build a rounded community; they merely built houses. So while people were placed in new and better housing, they were not placed into a new and better form of community life. Often, in fact, the vital element of community life was less than it was before.

I think that if we were starting this program over again today, we would do it on a different basis.

The other difficulty is that most of the public housing was built in the core areas, and, since it was subsidized, it was only for the lowest-income groups. This exacerbated the trend of concentrating the poor families in the central cities, while the middle-income families were pouring into the suburbs. We're learning now that it's necessary for communities to be more mixed, in terms of income levels, if they're to be viable and acceptable communities.

Q. Do the cities have too many people who are unemployable?

A. It is surely true that there are more poorly educated people among the families in the "ghettos" and core areas, and this is partly the product of the fact that the cities haven't had the funds to provide good schooling. The quality of schooling in the inner cities seems to be declining significantly. But it's also the product of all the other social ills that go with "ghetto" life, such as broken families—which are encouraged by the present welfare system—dope addiction and crime.

All of these things have gone together, and the result is that a great many of the young people in the core areas are poorly educated, badly motivated and, hence—without special additional training—unemployable.

Q. Why do you say the welfare setup has encouraged drug use?

A. Because I think that people living in slum conditions, with very little opportunity for recreation or employment, are more subject to pushers who encourage young children to feel that taking drugs is the thing to do. They start them with marijuana, and all too frequently add a little heroin or opium with the marijuana so as to hook the youngsters, and then they're off. And this is what one sees to an increasing degree.

Q. Are you saying the drug users are people looking for an escape?

A. I suppose that's a factor. In any case, slum families are certainly exposed much more than others, although the use of drugs among the young is by no means confined to poor families.

Q. Do zoning regulations contribute to the concentration of poor families in the central cities?

A. Zoning has been an important factor in many areas. And in some cities, notably New York, rent-control laws, which have been maintained since World War II, have contributed importantly and are partly responsible for the abandonment of housing which is going on at a shocking rate in New York City today.

Q. Is that a growing problem?

A. Yes. The present rate of abandonment in New York is about 25,000 units per year, which is an enormous number. And, of course, when these homes are abandoned, they not only cease to be a source of tax revenue, but they are a charge on the city. They are broken into, often become havens for criminals, and are fire hazards.

Q. Isn't that process extending to stores and other commercial establishments in the blighted areas?

A. It's happening to them, too.

Now, the reason that rent control affects housing this way is that the landlords can't afford to make improvements, because they can't get rents that are sufficient to justify them.

Q. Rent control is a special New York problem, isn't it?

A. Yes. But there is widespread abandonment of buildings in other cities as well.

Q. You've been talking about families moving out of the big cities. How about businesses? Why are so many of them leaving the cities?

A. Businesses are leaving the cities for a variety of reasons. Crime, rising tax and insurance rates, and congestion are among the reasons. Also, many feel there is a more plentiful supply of better-quality labor in the suburbs. Others feel they are following their customers. Additional factors sometimes include room for expansion, aesthetics and convenience of commuting. However, the road isn't all one way, for many businesses are still flocking to the city—and others, having tried the suburbs, have come back, for they missed the dynamism, the excitement, the culture and the marketplace for the exchange of ideas that only the large cities provide.

Q. Is there any possibility of rebuilding the cities and making them attractive to people of all income levels?

A. I think there is. I have been studying with a number of my colleagues in the bank and outside what the causes are of insufficient construction and lack of a good development program within the cities, and it's our conclusion that there are two prime missing links:

On the one hand, fragmented land ownership, zoning laws and building codes make it difficult for developers to assemble and develop large tracts of land either within core areas of cities or outside. The private sector is willing to do its part, but our Government must foster private initiative by both identifying development opportunities and removing obstacles to appropriate projects.

We need a national urban-growth and development policy. I think that such a national policy should include the rejuvenation of existing cities, suburban areas, small towns and new communities.

Q. What's wrong with the present federal urban-renewal program?

A. It isn't broad enough. It only deals with segments of the problem. What needs to be done is to develop whole new communities rather than units of housing, or commercial establishments, or industrial areas separately.

Q. Do you mean whole new communities within cities?

A. And outside. It's estimated that there will be 75 million more people in the United States by the end of this century. To accommodate all these people in new cities would require 650 new cities of 100,000 people and 10 cities of a million.

Now, of course, it won't be done just that way. But this gives you some idea of the magnitude of the problem that we have to deal with. There's going to be a need for quite a number of new cities, and this is going to require the attention of the Federal Government, working with State and local governments, to develop the kind of sound, national, urban-growth policy which was called for in the Housing Act of 1970.

We are proposing that an agency of the Federal Government identify areas which are consistent with this national growth policy, help acquire the land, and make sure that the building codes and zoning for the land are consistent with an intelligent development program.

Q. Should the agency take over a big part of a city and decide what was going to be done with it, or would the city government have a veto?

A. Local communities and States have to have some degree of veto power. Just how this would be worked out is one of the things that need to be studied further. I think there must be effective power of eminent domain in the federal agency, but qualified so that the States and localities don't feel they're just being ridden over roughshod.

Q. What can't the job of buying and developing land be done with private capital by private investors?

A. That brings me to the second part of our plan:

I said the first need is for an agency, which has to be governmental, which can identify and acquire land for development that would be in accord with an over-all policy. We're also proposing a quasi public or private bank, which we have suggested be called the National Urban Development Bank. This would be set up on a nationwide basis, perhaps along the lines of the Federal Reserve System, with a chairman who would be appointed by the President of the United States, and members of the board from each of the States and key cities.

This bank would get its funds partly from commercial banks, who would put in the equity, and partly from insurance companies and pension funds and other institutions of that kind who would make loans to the bank at favorable interest rates.

Q. Would investments in the development bank be guaranteed by the Federal Government?

A. No. The bank would go to the designated federal agency and say: "We will underwrite repurchase of the land which you have now acquired and assembled, find a developer, and make available to him the funds he needs to put in the necessary utilities, roads and so on. He won't have to start repaying immediately, because it is going to be some time before he puts in all the facilities and can realize a return."

It's this predevelopment money that is presently lacking. We see no reason why it could not be provided from private sources through this nonprofit corporation. The banks and insurance companies who put up the money would be doing so because they felt it was part of their social obligation to do so, and they would hope—we believe realistically—to receive a reasonable rate of interest and ultimately get back their capital.

Q. Would the developers get the land for less than cost?

A. For land for new cities outside the present cities, the developers would pay 101 per cent of what the Growth Administration had paid for the land. In other words, the federal agency would get back a small increment to help pay its administrative expenses.

Q. How about land for redevelopment in present cities?

A. The cost of assembling that land is already very high—uneconomically high. That is the reason the private builders haven't gone in and done something with it. So, in these areas, there would have to be a write-down on the value of the land—a one-time subsidy by the Federal Government.

RENEWAL: 50 BILLIONS IN 10 YEARS—

Q. Just how much do you figure all this will cost?

A. We estimate that to provide the predevelopment and land-acquisition money for new cities will take about 10 billion dollars over a period of 10 to 20 years. Redevelopment in the older cities might require four times that much—40 billion. So we are talking about a total of something like 50 billion in all. Spread over a period of about 10 years, that is not an unmanageable sum, because, during this time, some of the funds would be rolled over—that is, they would be used, repaid and then used again.

Q. How much federal money would be needed by the designated Government agency in order for it to make the initial purchases of land?

A. There, again, you are talking about a revolving fund. I would think maybe 1 or 2 billion dollars would do it.

Q. Is it likely that the new communities

you're talking about may aggravate the problem of the cities by encouraging more businesses and people to move out?

A. Part of the job of the Federal Government's agency responsible for an urban-growth policy would be to determine where these communities should go, how they fit into an over-all national growth policy. That's why I say that the Government entity is the first essential, without which this program couldn't work.

Q. As a practical matter, will most of the development you're talking about take place outside of the existing cities?

A. The population is so great that it has to take place both inside and outside.

I've already discussed this plan with a number of city officials in New York, and they're quite excited about the idea. They feel that there may well be areas in New York City where it could work. I'm sure the same would be true in other very large cities.

Q. What's the federal reaction to your proposal?

A. I am happy to say that there has been real interest. We've really run up against no one who has thought that we are way off base.

One of our major goals now is to continue to explain this proposal throughout the various branches of the Federal Government, for we have sensed that many persons of all political persuasions in the Congress, for example, have sensed the gravity of the problems and are, themselves, seeking solutions.

Q. After the land is acquired and the developer provides the basic facilities, then what happens?

A. Most of the development from then on would be done by private builders. The developer selected by the National Urban Development Bank would be the overall supervisor of the new community, as, for example, the Rouse Company is in the new city of Columbia, Md. They undertook that development entirely on their own—with the assistance of banks and insurance companies.

Q. Under your proposal, will the developer have to submit a plan to the national agency showing just what is going to be built?

A. Yes. And, with the help of the bank, it would be up to the developer to go out and find industries, merchants, builders and others to come in and put up the money to construct individual segments of the community—stores, homes, offices, factories. This is in addition to the 50 billion dollars for land and basic facilities.

Now, there will be some public money required, if it's a brand-new city. A local government would have to be created which could issue bonds and levy taxes for schools and public buildings of that kind. But the bulk of the funds would come from private developers and industries.

Q. Developers of some of the new towns being built today seem to feel they have to have federal loan guarantees in order to make development feasible. Why is that? Do you think your plan will work without guarantees?

A. Up to now, developments by and large have been too small. They haven't had the assistance of Government in acquiring land, or suitable zoning and building codes.

Depending on circumstances the developer may or may not have less money tied up under our proposal, but the land would be freer of restrictions, and development would take place according to an over-all plan which would envisage balanced, small communities and neighborhoods within the larger complex.

I think that is one of the interesting features of Columbia, that they are creating small integrated neighborhoods—integrated both as to income level and racial background—which promise to work extremely well. They are developing along lines that are acceptable to the people who move in.

Q. How could you apply that concept to a decayed area such as Harlem? Would you wipe out everything and rebuild the area?

A. I suspect that for portions of Harlem that might be necessary. But there are areas in New York City—in Brooklyn and Queens and the Bronx and perhaps also in Harlem—which have gone so far downhill, have so many abandoned buildings, that it would not be impossible to acquire a very large area.

Q. Wouldn't you uproot a lot of people in the process?

A. Not if you started with one section involving a very small removal of families, and built on that first, giving people the opportunity to move from another section into it, and so on.

There are some areas where there are virtually no people living.

Q. Can the old buildings be renovated, or do you have to redevelop these slum areas with modern apartment houses?

A. A great deal depends upon the character of the buildings, but experience up till now with rehabilitating obsolete and deteriorated buildings has not been good. It has been terribly expensive, and by and large it hasn't worked. But when you say, "Put up modern apartments," that might or might not be the type of building a developer would choose.

I think the important thing is to try to create viable communities rather than groups of isolated apartment buildings. This is exactly where we made the mistake in the past.

One would hope to have many sizes and types of housing within each community, hopefully suitable for different income levels. For people with the lowest incomes, there would be a need for housing subsidies.

Q. Would a family of four that could afford to pay, say, $450 a month rent on an apartment feel comfortable living next to a family that could pay only $135?

A. I believe that if communities are developed the right way, giving adequate freedom of choice to the people who come in, income levels will not necessarily represent built-in incompatibility.

But what the proportions should be, and so on, I think these are things that have to be worked out. I don't pretend that I have a blueprint that would work everywhere. I'm sure it would vary from city to city.

"NEW SOURCES OF TAX REVENUE"—

Q. How would redevelopment help the cities to overcome their financial and racial troubles?

A. It would bring new life and new sources of tax revenue into areas which have progressively been producing less and less in the way of taxes.

Q. Do you think it might attract people in the suburb back to the cities?

A. This could well be. I don't think this is at all out of the question, if the development is done on a large-enough scale and with a good over-all pattern that makes it attractive.

If people can walk to work or can go to work easily in 10 or 15 minutes, they would much prefer it to the present setup, where many people in New York are commuting one and two and even three hours each way daily under very uncomfortable and unpleasant conditions.

There is under way now the development of housing along the fringes of lower Manhattan which is going to enable a good many thousands of families to live there and walk to work. This isn't a blighted area, fortunately, but 15 years ago there was a risk that it might become so. It come back as a result of the concerted action of the local landowners and businesses working in the closest harmony with the city, the State and the Federal Government.

Q. Can you see manufacturers moving back into New York and other cities they have left?

A. I don't consider this to be out of the question at all, provided they can be assured of a labor force.

Q. Is it your feeling that there is something good about cities—that people like to live in them?

A. Yes. After all, they did in the past. I still like to. And I think most people would like to much more if they saw the prospect of an improving community rather than a deteriorating community. But here, I think, is where you have to deal with large areas rather than just a few houses in a block.

Q. Mr. Rockefeller, you have just returned from a trip abroad. Are the Europeans ahead of the Americans in coping with the problems of the older cities?

A. I think many European cities have done a better job with housing than we have. They have created housing developments which have become much more attractive neighborhood centers.

Q. Are you speaking of public or private housing?

A. Both.

B. Big apartment buildings or small townhouses?

A. That varies from city to city. By and large, they tend to build walk-up apartments, not the high-rises we have. But somehow they have created a more pleasing atmosphere than I think we have in many of our cities.

Q. Have racial animosities made the problem more difficult in the U.S.?

A. I'm sure that is part of the problem. And another part is the cost of construction, which reflects many factors, among them building codes, zoning requirements and trade-union restrictions.

It all adds up to the fact that we have not yet been able to apply to housing—one of our most important industries—the mass-production techniques that we apply to automobiles or, for that matter, to house trailers. And one reason that we see a tremendous growth of mobile homes is that they are not subject to the same restrictions that nonmobile homes are.

Q. Is that good or bad?

A. Well, I think it's bad in the sense that some of the mobile-home parks are a blight on the countryside in appearance. I see no reason why it wouldn't be possible—if one could clear away these problems that I mentioned—to build attractive, permanent homes using the same techniques that have been used in the manufacture of mobile homes. Some day this will come.

Q. Do you expect the new cities to be made up mostly of apartment houses or single-family homes?

A. I would hope for a considerable mixture—some townhouses, some condominium-type, multiple-family units, and some apartment houses.

Q. What kinds of commitments have you been able to get from the companies that would have to put up the money for the development bank you are proposing?

A. We haven't asked for any commitments yet. We've talked with a number of banks and insurance companies, and on the whole we've gotten a favorable response.

I think that American business recognizes that it is in its own interest and the interest of our country to find a way to solve the extraordinarily great urban problems that we face, and that it has a responsibility to play its part. Business will put up the money, if it sees a way in which it can play a part without losing money but perhaps accepting somewhat less attractive terms than it would normally expect.

You're probably familiar with the fact that the insurance industry has already committed a billion dollars for urban housing. And the banking community recently pledged a like amount and is well on the way to investing that for specific projects in the cities.

So our plan is not completely new. It

simply is an idea that would enable a great many more institutions to invest. Favorable response to this proposal has encouraged us to further refine and test it. To this end we have retained the Real Estate Research Corporation, a management-consulting firm specializing in all aspects of real estate planning and development.

Q. Are the banks investing in large housing projects in New York City?

A. Yes. For example, we and a number of other banks are involved in one on the East Side of New York—in landfill on the river. Waterside is the name of it. This required a 75-million-dollar loan to put up mixed housing, a good deal of it low-income.

SHAPING "FUTURE OF OUR SOCIETY"—

Q. Do you consider your plan the big thing that's going to save the cities?

A. I can't believe that any one project is going to be their salvation. What we have done is to identify the roadblocks which have prevented large-scale redevelopment and new community building on a viable basis.

The future of our cities—indeed, the future of our American society—depends on the continuing renewal of older communities and the building of new communities. Major commitments by both the public and private sectors are essential. Government must do what it can do best through its powers of planning, co-ordination, regulation, land acquisition and subsidy. Given this, business will provide the management, manpower, material and financing needed to rebuild our existing cities and create new ones.

We, then, are proposing mechanisms for both the Government and the private sector to perform in their respective roles. One mechanism is a purely public agency for urban growth-and-development policy. The other is a private National Urban Development Bank. If these could provide what has been lacking, then I think this proposal could make a significant contribution.

Q. Do you think the President will look favorably on this proposal?

A. I am hopeful that he will. Thus far, the response from people at the White House has been encouraging.

## REPORT TO NINTH DISTRICT CONSTITUENTS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. HAMILTON. Mr. Speaker, I include the following commentary on the tax situation:

WASHINGTON REPORT—CONGRESSMAN LEE HAMILTON

The American taxpayer can be excused if he gets a little numb. He pays taxes to local, state and Federal governments on what he earns (income tax), what he spends (sales tax) and what he owns (property tax).

He is probably unaware, however, that Federal income taxes, which seem to get most of the blame for "high" taxes, have been declining over the last 20 years.

Except for the 10 percent surcharge, passed in 1968 and now expired, individual Federal income taxes have not been raised since 1951—and even that increase was allowed to expire in 1953. In fact, the Tax Reform Act of 1969 provided substantial relief for many taxpayers.

State and local taxes, on the other hand, have been escalating during the last two decades. State and local governments have been forced to increase their tax levies as more and more demands have been made upon them for new or expanded services. Spending for these services has jumped by 12 times since 1946. State and local government costs increased from $11 billion in 1946 to $132 billion in 1970.

Most of this cost is borne by sales and/or gross receipts tax, which, in 46 states, is the largest single source of revenue. Last year, only 27 states used corporate and personal income taxes for 20 percent or more of their total revenues. Eight states had no income tax, relying on sales, property and excise taxes for their revenue.

Although the taxpayer tends to generalize about all taxes, the power to tax is shared among the Federal government and state and local governments. The Indiana General Assembly cannot change the Federal income tax schedule, and the U.S. Congress cannot change the state's sales, property and adjusted gross income tax rates.

While the Federal income tax liability has remained relatively stable—or reduced in some instances—one type of Federal tax has increased in the last 20 years. This is the special purpose tax, the revenues from which do not go into the general receipts of the treasury.

User taxes make up a considerable portion of this category. Federal-aid highways are constructed with taxes from the sale of gasoline, tires, auto accessories and trucks. User taxes also are levied on airline passenger tickets, aviation fuel, air cargo, and on the registration of airplanes.

Perhaps the most significant development in taxation is occurring without much public attention or complaint. Federal payroll taxes are becoming an increasingly important part of our revenue system. This method of taxation now is the second largest source of Federal funds. Payroll taxes provide more income to the treasury than corporate income taxes, or any Federal tax, except the individual income tax.

The Federal income tax, enacted in 1913, is a progressive tax, meaning that the more each citizen makes, the more taxes he is expected to pay. But payroll taxes are not progressive taxes, and have little relationship to wage earner's ability to pay. The burden of the payroll tax hits hardest on low and middle income wage earners.

As an example, until 1950, the Social Security withholding tax was 1 percent of the first $3,000 of income. Today, employers and employees each pay 5.2 percent on the first $7,800 of income and further rate and base increases are scheduled. Unless the whole concept of financing social security is changed, periodic increasing of Social Security benefits will continue to require ever-increasing payroll taxes.

For the American taxpayer, there may be some consolation—although not much—if he knows the United States enjoys a level of taxation at all levels of government which is appreciably lower than most other industrial nations. Government at all levels took out of private income about 28 percent in this country, as compared to 35-to-40 percent in countries such as France, Germany and Sweden.

## THE HEAT GOT TO WALTER

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. MICHEL. Mr. Speaker, I think it generally true that whatever profession or occupation an individual may have selected as his life's work, he is always more sensitive to what others engaged in the same line of work or endeavor may have to say about issues and problems affecting that particular group.

With that in mind, I should like to call to the attention of my colleagues an editorial appearing in the May 25, 1971, edition of the Peoria Journal Star, entitled "The Heat Got to Walter," commenting upon a recent speech by Mr. Walter Cronkite of CBS News during which he made some rather dramatic charges against the Nixon administration. I include the editorial in the RECORD at this point:

THE HEAT GOT TO WALTER

Poor old Walter Cronkite!

He made a frightened speech before the "Radio and Television Society" the other day in which he charged the Nixon administration with a "conspiracy" to "destroy the credibility" of the "free press"—with TV as the prime target.

He admitted there was no evidence of such motives, but proceeded at length to describe this horrid "conspiracy."

He said it was natural for administrations to get "edgy" under the critical eye of the press—but said there is evidence to support THE SUSPICION that it has "conceived, planned, orchestrated and is now conducting a program to reduce the effectiveness of a free press."

Poor devil!

After massive, constant, unremitting attacks over a period of years on government decisions, somebody finally talked back to Walter—and HE immediately gets "edgy" at the appearance of a "critical eye."

It is rather funny and rather tragic. The fact is, of course, that Spiro Agnew accused CBS, particularly, and others of a kind of "conspiracy" of a political nature—and supported his point of view with item-by-item evidence of planning, polishing, and hand-tooling their presentations.

Although the "evidence" of the volume of criticism and the techniques used week after week and on subject after subject was prodigious as to the TV clique's attitude—such charges were regarded as hysterical, "McCarthyite," and shamefully irresponsible by the likes of Walter himself.

Now, on the same kind of "evidence" but much LESS OF IT, Walter is howling "conspiracy!"

If it's a matter of who has the thinnest skin—CBS wins hands down.

The real fuss is over their painful burns from a single recent fiasco—the "Selling of the Pentagon"—for which they heard such lively criticism as the classic letter which said that if a CBS documentary were carefully shaped for 10 months or more to reconstruct and present John the Baptist baptizing Jesus—it would present it as if John were trying to drown Jesus!

The truth is that "free expression" is not a function restricted to Walter Cronkite or the press, and there has never been a doctrine that in order to enjoy "freedom of speech" or press you have to be artificially "free from criticism."

The right of free speech does not make any of us above reproach, and "freedom of the press" is not a license for untouchable megolomania.

We may do a good job or a lousy one, and we certainly have the right to defend ourselves on that basis—but howling that any criticism is an "attack on freedom" is a cop-out.

The "press" has told many a victim in the public arena, "If you can't stand the heat, stay out of the kitchen." The same goes for people in the newspaper or broadcast business. (C. L. Dancey.)

FUNDS NEEDED FOR THE UNIVERSITY OF MISSISSIPPI SCHOOL OF MEDICINE

## HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. GRIFFIN. Mr. Speaker, the House soon will be considering important legislation dealing with health manpower. This legislation is a critical component of the Nation's efforts to create a better and a more meaningful life for all Americans—a life less burdened by disease and suffering.

The reason the forthcoming legislation is so crucial is that health manpower necessary to achieving the goal of better and more meaningful lives is in short supply.

We know, for example, that the United States right now faces a shortage of some 50,000 physicians, a shortage of 57,000 dentists, a shortage of nearly 150,000 nurses, and a shortage of more than 250,000 allied health personnel.

Yet the academic medical centers that educate and train health professionals are facing financial crises which prevent them from fulfilling their essential role in providing this manpower.

I firmly believe that national policy in support of medical education should be based on two concepts—that medical education is a function of national importance, and that the medical institutions involved are a national resource.

Only through viewing medical schools as a national resource and providing Federal support for their basic operations at substantial levels and in a continuing form can this structure of vital institutions and their indispensable functions be sustained.

Mr. Speaker, I was disturbed to learn recently of the severity of the financial conditions at the University of Mississippi School of Medicine, in my own district.

At the school of medicine, conditions of financial distress have forced detrimental changes in the content and quality of a number of programs. These are programs vital to functions of the school, and in some cases vital to my State.

As an example, lack of ability to pay competitive salaries has led to the loss of almost the entire department of anesthesiology. To rebuild this department will cost approximately double the departmental budget.

Other examples abound. The school's ability to develop a full time department in family practice has been severely hampered. Funds are inadequate to staff badly needed full-time departments in plastic surgery, dermatology, and ophthalmology, and this deficiency is impairing the school's training programs.

Lack of funds has forced the school to forego the recruiting of faculty in a number of important fields, constituting very real handicaps in the training of students and house staff.

Due to lack of funds, the school is threatened with the loss of the only good, human drug toxicology laboratory in the State. The increase in the drug abuse problem makes the provision of toxicology support obligatory.

Furthermore, Mr. Speaker, in an attempt to increase class size and thus to help meet the national need for additional physicians, capital construction has been planned by the school. But the plans have fallen through due to the inability of the school to secure matching funds.

Mr. Speaker, I was shocked by these conditions of extreme financial distress in such a prestigious school.

Provisions in the forthcoming health manpower legislation for construction assistance and for operating support of medical schools can provide useful approaches for meeting the financial needs of Mississippi and of all the Nation's medical schools.

The legislation should be the opportunity for a giant step forward, toward recognizing our medical schools as a national resource. It can be the beginning of a laudable national effort to provide the schools with a fundamental base of support at a substantial level and in a continuing form.

POLLUTION FIGHTER

## HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 1, 1971*

Mr. SCHMITZ. Mr. Speaker, for several decades our people have been indoctrinated with the idea that only the Federal Government can solve their ills. Local governments, in line with this concept, have all waited to get the handout from Washington which, being slow in coming and deficient in amount, has made little progress possible, as witness the fight against pollution.

But the profit motive which accounted for our high standard of living and our great freedom, gets things done efficiently, quickly and without cost to the taxpayer. A good example is the extensive and expensive work done by the International Telephone & Telegraph Corp., as described in the following editorial which appeared in the Santa Ana Register under date of April 16, 1971:

POLLUTION FIGHTER

It is popular to point the finger of shame for all kinds of pollution at business. But if business has in the past sinned in this area, it is hastening to make amends.

Take for instance the International Telephone and Telegraph Corp. and its subsidiaries. Not only are they involved with developing new products and processes to benefit all of us, but they are rapidly moving into improvement of social-environmental relations so that more of us may be better able to enjoy the new products.

The numerous subsidiaries are trying to improve the quality of life. Stenberg-Flygt AB, maker of industrial pumps, has entered the pollution-control market for the paper industry with a highly efficient proprietary process that purifies and re-uses waste water. In Hoquiam, Wash., helicopters lower antipollution "digester caps" into place on gas recovery towers at the ITT Rayonier mill. When Rayonier adds to its mill for chemical cellulose production in Jessup, Ga., it will be equipped with the most advanced air and water protection equipment.

Also in Washington state, Rayonier allows public use of most of its 350,000 acres of land for recreation and provides camping areas with cooking facilities. It has a research unit of oceanographers, marine biologists and air pollution scientists who devote full time to solving and preventing environmental problems associated with company operations. It has invested $22 million for water protection and $3 million for air protection.

In human relations, various subsidiaries have provided equal employment opportunities and upgrading of skills, risked venture capital in supporting minority groups having difficulty in obtaining capital otherwise; sponsored 47 drug education seminars in 1970 and turned over a building in Honolulu, rent-free for a year, for a drug clinic; airlifted blankets to Peruvian earthquake victims; and contributed to business training schools.

The list of other voluntary efforts is long and the results are helpful. Perhaps instead of crying "Shame" so often, it is time to look around at good efforts by business and say "Thanks."

# HOUSE OF REPRESENTATIVES—*Wednesday, June 2, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*We know that in everything God works for good.*—Romans 8: 28.

O God and Father of us all, who art ever calling us to live with good will in our hearts, help us so to open our hearts to Thee that this virtue may come to new life within us. Then, may we share it with one another and together share it with others across the seas that good will may reign throughout the world and men learn to live together in peace.

In Thy holy 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.

SCHEDULE OF APPROPRIATION BILLS

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous material.)

Mr. MAHON. Mr. Speaker, I have been working with the House leadership in connection with the House schedule on appropriation bills for the months of June and July.

We hope to pass six appropriation