

EXTENSIONS OF REMARKS

OPPOSING LOCKHEED AIRCRAFT
LOAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DINGELL. Mr. Speaker on June 10, 1971, radio station WJR in Detroit broadcast an editorial opposing the proposal to guarantee a loan of \$250 million to Lockheed Aircraft. The arguments put forth by WJR are most persuasive and I share them with my colleagues:

OPPOSING LOCKHEED AIRCRAFT LOAN

The Senate is currently considering legislation that will guarantee a loan of a quarter billion dollars to Lockheed Aircraft. The Nixon administration, in proposing this legislation, says that without the loan Lockheed will go into bankruptcy, that hundreds of millions of dollars invested by Lockheed in their airbus program will be lost, and that, most importantly, 60,000 workers at Lockheed, and its suppliers, will lose their jobs.

WJR believes there are two important issues at stake here. First, the administration should certainly be concerned about, and take action, to protect 60,000 jobs, especially in today's economy. We'll discuss more about how in a moment. But second, we question whether the proper action is for the government to simply guarantee a very large bank loan to Lockheed. Such a loan would have the effect of protecting the investment of Lockheed's stockholders and keeping them from losing their equity in the company.

We believe the establishment of such a precedent is a dangerous threat to American free enterprise. We believe there would be great difficulty in the future drawing a line between saving a large company with, say 60,000 employees, and a small one with 1,000 employees . . . or 100 for that matter. What the free enterprise system does not need is government insurance against the inefficient and the uncompetitive businessman losing his shirt. The management and the stockholders of Lockheed have, in fact, taken significant business risks which have led them into the current financial crisis. They must face, as many other businessmen have faced before them, the economic consequences of their decisions.

The C5A, the Cheyenne attack helicopter, engines for the SRAM missile, and several Navy shipbuilding projects, have demonstrated the terribly difficult technical and managerial problems Lockheed has encountered. The billion plus overrun on the C5A alone has already cost you and me (and don't forget, we're the ones who paid for it) a staggering amount.

If the issue is, as Lockheed suggests, merely that capital is necessary to tide Lockheed over for a short while until it gets back on its feet, then why is a government guarantee necessary? There is no shortage of private capital available for such purposes, provided investors are convinced of the soundness of the proposition. It is precisely because private investors lack this conviction that they demand government guarantees . . . in which case, you and I are required, in effect, to back Lockheed up with our tax dollars.

We believe the administration is essentially proposing to take the very risks which the stockholders and the banks are not ready to assume. If the big boys won't do it, why should we, as the public, the real financial backers of the government? And even forgetting the risk, the impact of such

a precedent upon free enterprise will be shattering.

If we would propose that Lockheed's stockholders not be protected by the government, how about the 60,000 jobs that might be lost? Well, we believe there are a number of good alternative schemes for keeping the Lockheed operation going and protecting these jobs, but without protecting Lockheed's stockholders. We recognize this is a very complex financial issue, but we would advance three such alternatives. First, the company could be turned over to a receiver. In other words, let Lockheed go into the bankruptcy court, but with government assurances that operations would continue under a receiver. Second, a merger could be arranged with one or more of the major airframe manufacturers. If necessary, the government could protect the acquiring companies from large losses. Third, the government could set up a new corporation to take over the Lockheed operation. Such a corporation would, either now or at a later date, be sold to private investors.

The point we make is this. We certainly have no quarrel with the government protecting 60,000 jobs. Our concern is with the government protecting Lockheed's present stockholders from the financial mess Lockheed itself has created. Such protection would clearly subvert free enterprise in America. The Senate should not guarantee the loan to Lockheed. It should find another alternative to protect the jobs involved.

FATHER'S DAY—VIETNAM STYLE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BRASCO. Mr. Speaker, this week-end the Nation will again celebrate Father's Day, which over the years has been a time to honor the head of a household. It has been a day when children show respect to the male symbol of their home. This year, however, there is a special poignancy to such an occasion.

Many thousands of fathers have no sons to help them mark the day. Too many of those young lads are lying in our cemeteries, cut down in the full flower of their youth. Sent to do battle in a country they knew little of, they went unselfishly and unhesitatingly to fulfill the requirements of duty. Now they shall never celebrate any holiday again. And as the youths die, the fathers are bereft. An entire life, complete with dreams and sacrifices, goes to the grave with them. No one to carry on a name. No one to share a joke with. No one to fulfill desires a father created. No one to inherit the fruits of a lifetime of sacrifice. All gone. All for nothing.

There is yet another side to this coin. Many of those who have paid the full price of our involvement in Vietnam have been fathers themselves. Too often they left behind unborn children, upon whose faces they will never gaze. Other times they left behind several tiny youngsters, who will never feel the comfort of a father's hand, hear the warmth of a father's word of approval or know the pleasure of sharing a close moment with someone they have long looked up to.

They will not play ball with their children, ever. They will not attend a sporting event with their children, ever. They will never dance at a child's wedding, ever. Or attend a graduation, ever. And all because of the unending conflict dragging on in Asia.

As we celebrate Father's Day this year, Mr. Speaker, I want to make my desire and hope glaringly plain. This time next year should not see American fathers wondering whether their boy will ever return from Vietnam alive or in one piece. This time next year should see a complete end to creation of the new young widows and orphans that have proliferated across America.

Let us take it as a personal charge to each of us to insure that next Father's Day shall see a new experience in our land; the first one since the beginning of the last decade when we are at peace.

SUPPORT FOR H.R. 1661, TO REGULATE AND EVENTUALLY ELIMINATE THE DUMPING OF WASTES IN THE OCEANS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SANDMAN. Mr. Speaker, it is a distinct honor for me to be able to report overwhelming support by the citizens of the Second Congressional District of New Jersey for my bill—H.R. 1661—to regulate and eventually eliminate the dumping of wastes in the oceans.

The first fact revealed in the final tabulation of my annual questionnaire is that 94 percent of those responding favor enactment of this legislation while 6 percent oppose it or are not certain.

Over the past 2 months, 13,022 citizens in my district replied to the 15 questions in the poll. With 12,241 persons in support of H.R. 1661 and only 781 against it, this issue of ocean dumping drew the most clear-cut vote of confidence from my constituents.

This legislation, revised to State jurisdiction, was enacted into State law by the New Jersey Legislature 2 months ago and signed into law by the Governor last month. Several other States along our coasts are enacting similar legislation.

Hearings on H.R. 1661 and several similar measures have already been held in both Houses of Congress in the appropriate committees and it was my pleasure to testify in both cases.

Mr. Speaker, my Second District comprises four counties, two of which are predominantly seashore resort oriented because they front on the Atlantic Ocean. Among the famous resorts in Atlantic and Cape May Counties are Brigantine, Atlantic City, Ventnor, Margate, Longport, Somers Point, Ocean City, Sea Isle City, Avalon, Stone Harbor, the Wildwoods, and Cape May.

The other two counties in my district—Cumberland and Salem—front on the Delaware River and Bay which meets the Atlantic Ocean at Cape May.

United on this one vital issue, my constituents in all four counties see enactment of H.R. 1661 as the highest priority for Congress this session.

H.R. 1661 empowers the Environmental Protection Agency to set strict regulations for dumping anything in the ocean until the practice can be eliminated altogether as land-based disposal methods and facilities are developed. No dumping would be allowed within 100 miles of shore and severe penalties are set for violators.

The current practice of dumping chemicals, sewage sludge, and other wastes in the ocean near the multibillion-dollar resort industry in my district poses a serious economic and health threat to the constituents and vacationers to the Second Congressional District of New Jersey.

I once again urge prompt enactment of H.R. 1661 or similar legislation so that the Nation can begin the huge task of cleaning up and forever protecting our valuable marine environment.

CONGRESSIONAL LAWSUIT TO TEST THE CONSTITUTIONALITY OF THE WAR

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MITCHELL. Mr. Speaker, because of the great public interest in the suit, Mitchell et al. against Nixon et al., I submitted for the RECORD, on May 25, 1971, the papers related to the case. Today, I am submitting additional papers which have been filed since that date.

The lawsuit was filed on April 7, 1971, by the gentleman from Massachusetts (Mr. HARRINGTON), the gentleman from New York (Mr. ROSENTHAL), and myself, in the U.S. District Court of Washington, D.C. The suit asserts that the war in Indochina is illegal without a decision by Congress to fight a war. Coplaintiffs include: Representatives BELLA S. ABZUG, PHILIP BURTON, HERMAN BADILLO, WILLIAM CLAY, SHIRLEY CHISHOLM, JOHN CONYERS, JR., CHARLES C. DIGGS, JR., CHARLES B. RANGEL, THOMAS M. REES, and LOUIS STOKES.

The material follows:

[U.S. District Court for the District of Columbia, Civil Action No. 697-71]

THE HONORABLE PARREN J. MITCHELL, ET AL., PLAINTIFFS, VERSUS RICHARD M. NIXON, ET AL., DEFENDANTS

MOTION TO DISMISS AND OPPOSITION TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Defendants Melvin R. Laird, William P. Rogers, Stanley R. Resor, John H. Chaffee, Robert C. Seamans, Jr., and the United States of America, by their attorney, the United States Attorney for the District of Columbia, respectfully move the Court to dismiss the complaint herein for lack of jurisdiction over the subject matter and for failure to state a claim upon which relief can

be granted. Rule 12(b) (1) and (6), Federal Rules of Civil Procedure.

Defendants also oppose plaintiffs' motion for a preliminary injunction.

THOMAS A. FLANNERY,
U.S. Attorney.

JOSEPH M. HANNON,
Assistant U.S. Attorney.

MICHAEL A. KATZ,
Assistant U.S. Attorney.

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Motion to Dismiss and Opposition to Plaintiffs' Motion for a Preliminary Injunction, together with supporting memorandum of points and authorities, has been made upon plaintiffs by mailing a copy thereof to their counsel, Stefan F. Tucker, Esquire, 1311 Delaware Avenue, S.W., Apt. S 647, Washington, D.C., on this 2nd day of June, 1971.

MICHAEL A. KATZ,
Assistant U.S. Attorney.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS AND IN OPPOSITION TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Preliminary Statement

Plaintiffs herein, eleven members of the United States House of Representatives, brought this action as "legislators and lawmakers" (Complaint, paragraph 8) against the President of the United States, the Secretaries of State, Defense and the various military departments, and the United States, asserting that the military operations being conducted by the United States in South Vietnam and elsewhere in Southeast Asia are unlawful for the reason that no "declaration of war or an explicit, intentional and discrete authorization of war" has been enacted by the Congress. (Complaint, paragraph 6). By way of relief, plaintiffs request that this Court enjoin the further prosecution of military activities in Southeast Asia unless Congress authorizes their continuation.

On April 12, 1971, this Court dismissed this action as to the President of the United States. On May 25, 1971, plaintiffs filed a motion for a preliminary injunction.

For the reasons that follow, plaintiffs have failed to state a claim upon which relief can be granted, and the Court lacks jurisdiction over the subject matter. Therefore, the Court should dismiss the complaint. Alternatively, since the discussion which follows will show that plaintiffs' claims do not satisfy the tests established for the issuance of a preliminary injunction, the Court should withhold any such relief.

Argument

I. Plaintiffs Lack Standing to Sue

The plaintiffs herein claim standing to maintain this action in their capacities (1) as citizens generally, and (2) as legislators who assert that they are entitled to protect the effectiveness of their "constitutional power and right to be decision-makers" and to prevent "impairment of their votes." (Plaintiff's memorandum at 66). Neither capacity is sufficient to confer standing upon them for the purposes of this action.

Despite the recent trend towards liberalization of the concept of standing to sue, *Association of Data Processing Org., Inc. v. Camp*, 397 U.S. 150 (1970); *Barlow v. Collins*, 397 U.S. 159 (1970), there remain certain requirements which plaintiffs must meet in order to maintain this action. These tests include (1) whether the plaintiffs have alleged that the action they challenge has caused them "injury in fact", and (2) whether they are within that class of persons that the statutory or constitutional provisions they rely on were designed to protect. *Association of Data Processing Org., Inc. v. Camp*, supra, at 152, 155. In neither of their

asserted capacities can plaintiffs meet these tests.

In *Velvet v. Nixon*, 415 F.2d 239 (10th Cir. 1969), cert. denied 396 U.S. 1042 (1970), the Tenth Circuit made it clear that the decision in *Flast v. Cohen*, 392 U.S. 83 (1968), on which plaintiffs here rely in claiming standing in their individual capacities, did not extend to a "common citizen and taxpayer" the capacity to come into a Federal court to challenge the legality of the conflict in Vietnam on the same grounds that are urged by plaintiffs herein. The Court correctly discerned the narrowness of the exception created by *Flast* to the doctrine of *Massachusetts v. Mellon*, 262 U.S. 447 (1923), and ruled that it did not apply since plaintiff, as a taxpayer, was not claiming injury as a result of an exercise by Congress of the taxing and spending powers in violation of a specific constitutional limitation applicable thereto. See also, *Kalish v. United States*, 411 F.2d 606 (9th Cir. 1969), cert. denied 395 U.S. 835, rehearing denied 396 U.S. 937. Plaintiffs likewise make no such claim here, and therefore, they have not shown a recognizable injury to them as individuals which is sufficient to enable them to employ this Court to "air [their] generalized grievances about the conduct of government or the allocation of power in the Federal system." *Flast v. Cohen*, supra, at 106; *Velvet v. Nixon*, supra, at 239. In relying on the recent holding in *Reservists Committee to Stop the War v. Laird*, No. 1429-70 (D.D.C. 1971), plaintiffs ignore the fact that Judge Gesell ruled that that case was one of the "undoubtedly very few" instances in which persons asserting merely the "undifferentiated interest of citizens" could have standing, because the case was not one in which the issue was one of "the allocation of power in the Federal System", and because "the issue tendered is a narrow one and involves a precise self-operative provision of the Constitution." Memorandum Opinion at 13. The most cursory examination of the extensive materials provided the Court by plaintiffs make it clear beyond peradventure that this is not the case here, and that plaintiffs are seeking to litigate with respect to the highly complex and delicate question of the allocation of broad powers over foreign military operations as between Congress and the President.

Nor do plaintiffs gain any standing from their positions as members of the House of Representatives. Their status as such has resulted in no special harm or injury to them or threat thereof; and their position in this regard can be no greater than that of the citizenry in general. They allege that by prosecuting the current military action in Southeast Asia, defendants "defeat plaintiffs' constitutional right, as members of the Congress of the United States, to decide whether the United States should fight a war," and have caused "impairment of their votes." (Complaint, para. 6).

Plaintiffs do not, nor can they, claim to represent the Congress as a body in this proceeding, and there can be no doubt that these eleven plaintiffs, who comprise less than 3% of the membership of the House of Representatives, and approximately 2% of that of the Congress as a whole, do not have a constitutional right "to decide whether the United States shall fight a war." Whatever the extent of the injuries plaintiffs may have suffered of the nature they claim, they are the result not of the actions of the defendants, but rather of their inability to convince a sufficient number of their colleagues in Congress to enact appropriate legislation, and their sole and exclusive remedy lies in the political process of persuading their brethren to this end. Whatever rights Congress as a body may have in this situation, they are not the rights of each legislator

as an individual, and thus plaintiffs have failed to show that "personal stake in the outcome of the controversy" sufficient to confer standing. *Flast v. Cohen, supra*, at 99.

Plaintiffs' heavy reliance on *Coleman v. Miller*, 307 U.S. 433 (1939) is misplaced, as their assertion that the case establishes "[t]he right of a legislator to seek judicial redress for executive impairment of his legislative power to vote" (Plaintiffs' memorandum, p. 74, emphasis added) is inaccurate. What was challenged by the plaintiff state legislators in *Coleman* was the right of the Lieutenant Governor to vote to break a tie in the Senate, and this was clearly a question not of improper exercise of his powers as a member of the Executive branch of the State Government, but rather, of abuse of his powers as a member of the Legislature, to wit, the presiding officer of the Senate. *Id.* at 436. Moreover, the injury alleged by the plaintiffs in *Coleman* was an actual dilution of their votes as the result of a person having voted against them who was not entitled to do so; the alleged dilution of the voting power of plaintiffs herein is at best indirect, and in any event is not of the kind involved in *Coleman*. In *Burton v. Hickel*, No. 861-70 (D.D.C. 1970), Judge Pratt dismissed for lack of standing an action brought by three Congressmen against the Secretary of the Interior in which they sought to compel him to enforce an Act of Congress, where those plaintiffs had alleged no personal injury of their own, but only an alleged injury as members of Congress said to have been sustained at the hands of the Executive. We submit that this case should be disposed of in similar fashion.

II. The Propriety of United States Military Operations in Vietnam is a Non-Justiciable Political Question

The questions here presented for decision are "political questions," and hence inappropriate for judicial consideration. See *Marbury v. Madison*, 5 U.S. (1 Cr.) 137 (1803). Executive actions and decisions in matters of international policy belong exclusively to the political sphere in which our Government operates. *Chicago and Southern Airlines v. Waterman Steamship Corp.*, 333 U.S. 102 (1948). In *Baker v. Carr*, 369 U.S. 186, 217 (1961), the Supreme Court set forth five alternative criteria for application of the political question doctrine:

"Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question."

Almost all of these are present here. Article II, Sec. 2 of the Constitution declares that the President shall be Commander-in-Chief of the armed forces of the United States. This power of the President is complemented by his position as Chief Executive. Under Article II, Sec. 3, he shall "take care that the laws be faithfully executed." The power is also complemented by the special responsibilities of the President in the field of foreign affairs. *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936). Yet the complaint asks that the Court issue a declaratory judgment that the President and his delegates have acted unconstitutionally in their conduct of the Vietnam conflict, that it enjoin "all illegal military actions" in Vietnam and force the President either to seek a declaration of war or its equivalent or

discontinue hostilities. These are decisions which involve the conduct of foreign affairs and the President's authority as Commander-in-Chief. His constitutional grant of authority is sufficient to constitute a textually demonstrable constitutional commitment of the issue to the Executive Branch. To require of the President that he submit the matter to the Congress or else conduct military operations in a specified manner would be an unjustifiable incursion on his constitutional authority.

Despite plaintiffs' assertions to the contrary, the conduct of foreign affairs and the command of United States armed forces are complex areas of management in which there is obviously a lack of judicially discoverable and manageable standards for resolution.

"The President, both as Commander-in-Chief and as the Nation's organ for foreign affairs, has available intelligence services whose reports are not and ought not to be published to the world. It would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret. Nor can courts sit *in camera* in order to be taken into executive confidences. But even if courts could require full disclosure, the very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry." *Chicago & Southern Air Lines v. Waterman Steamship Corp.*, *supra* at 111.

It is suggested that, in view of the ongoing hostilities in which this country is deeply involved there is the requisite "unusual need for unquestioning adherence to a political decision already made." A court's holding against the conduct of the war would seriously impair the negotiating position of the United States at the Paris Peace Talks by raising expectations that the United States might be forced to withdraw unilaterally without a negotiated settlement.

The fifth category is the most likely to be applicable to this case. There would be tremendous potential for embarrassment in our foreign relations if the Court were to declare the conduct of hostilities illegal. The Supreme Court has stated that in foreign affairs the nation speaks with one voice—that of the President. *United States v. Curtiss-Wright Export Corp.*, *supra*, at 319-320. Multifarious pronouncements from coordinate branches could undercut his constitutional authority. Not only would there be confusion and consternation among our own forces and among our allies, but the options of the President in planning and carrying out the orderly withdrawal of our troops would be severely compromised.

Federal courts have consistently recognized the applicability of the political question doctrine in cases involving the conduct of foreign hostilities. In *Johnson v. Eisen-trager*, 399 U.S. 763, 789 (1950), the Supreme Court refused to examine the legality of the Executive's conduct of hostilities, stating:

"Certainly, it is not the function of the Judiciary to entertain private litigation—even by a citizen—which challenges the legality, the wisdom, or propriety of the Commander-in-Chief in sending our Armed Forces abroad or to any particular region * * *. The issue tendered * * * involves a challenge to the conduct of diplomatic and foreign affairs, for which the President is exclusively responsible."

The District of Columbia Circuit Court of

Appeals has made it as clear as anything can possibly be that the question of the legality of our participation in the Vietnam conflict is a political question beyond the jurisdiction of the courts. *Luftig v. McNamara*, 373 F. 2d 664, 665-6 (D.C. Cir. 1967), *cert. denied* 387 U.S. 945; *Mora v. McNamara*, 387 F. 2d 862 (D.C. Cir. 1967), *cert. denied*, 389 U.S. 934, *rehearing denied*, 389 U.S. 1025. In *Luftig*, wherein a serviceman sought to enjoin the Secretary of Defense from assigning him to duty in Vietnam on the ground that the military action there was undertaken in an unconstitutional manner, the Court stated, in a *per curiam* opinion:

"It is difficult to think of an area less suited for judicial action than that into which Appellant would have us intrude. The fundamental division of authority and power established by the Constitution precludes judges from overseeing the conduct of foreign policy or the use and disposition of military power. These matters are plainly the exclusive province of Congress and the Executive." [373 F. 2d at 665].

The decision in *Luftig* has received substantial approbation elsewhere. See, e.g., *Kalish v. United States*, 411 F.2d 606 (9th Cir., 1969), *cert. denied*, 396 U.S. 835, *rehearing denied* 396 U.S. 937 *Simmons v. United States*, 406 F.2d 456, 460 (5th Cir. 1969), *cert. denied* 395 U.S. 982, *rehearing denied* 396 U.S. 871 *Ashton v. United States*, 404 F.2d 95 (8th Cir. 1968), *cert. denied* 394 U.S. 960 (1969), *rehearing denied* 394 U.S. 1025 *Cooper v. United States*, 403 F.2d 71, 74 (10th Cir. 1968) *Davi v. Laird*, 318 F. Supp. 478 (W.D. Va. 1970) *Medeiros v. United States*, 294 F. Supp. 198 (D. Mass. 1968) *Goldstein v. Clifford*, 290 F. Supp. 275, 280 (D. N.J. 1968) (three-judge Court). See also, *Commonwealth of Massachusetts v. Laird*, No. 71-419-W (D. Mass. June 1, 1971); *Swtikes v. Laird*, Civ. No. S-1731 (E.D. Cal., Mar. 2, 1971).

In *Davi v. Laird, supra*, the Court observed (318 F. Supp. 482, 483):

"The issue of whether a certain instance of hostilities requires a formal declaration for its legitimation inescapably presents a political question . . . The matter has been exclusively committed by the Constitution to the other coordinate branches of Government.

"Adjudication of plaintiffs' claim would require this Court to make an initial policy determination of a kind clearly non-judicial in nature; that is, a judgment as to whether the war may be maintained in its present posture. Given Congress' discretion in the matter of whether a state of war should be declared and the myriad of reasons why that body might choose not to take such a step, any judicial determination that a certain state of hostilities is unauthorized absent such declaration would necessarily interfere with congressional prerogative.

"One writer has aptly suggested that the constitutional grants of power to the legislative and executive branches, if taken literally and without limit, are "logical incompatibles" which indeed offer an "invitation to struggle for the privilege of directing foreign policy". [Revely, "Presidential War-Making: Constitutional Prerogative or Usurpation" 55 Va. L. Rev. 1243, 1247-48]. Plaintiffs' request for relief has the effect of extending that invitation to this court. It must be declined . . . to the extent that the present sharing of responsibility for the Vietnam conflict may be characterized as a struggle, it is clearly a result of the separation of powers, and is not subject to judicial interference."

In *Velvel v. Johnson*, 287 F.Supp. 846 (D. Kan. 1968), *aff'd sub. nom. Velvel v. Nixon*, 415 F.2d 236 (10th Cir. 1969), *cert. denied*, 396 U.S. 1042 (1970) the District Court adverted to some of the questions of foreign policy that adjudication of plaintiffs' complaint might involve, stating:

"There may be sound reason for not making a formal declaration of war. Such a dec-

laration might bring on an international conflagration which our political leaders are carefully seeking to avoid. This Court has neither the information necessary nor the power required to question the wisdom or the manner in which the military activity of our country is being conducted." [287 F. Supp. at 852]

The same point has been treated at length by Judge Wyzanski, who held that the issue of whether the Government's military activities in Vietnam require a formal declaration of war presents "the very essence of what is meant by a political question." *United States v. Sisson*, 294 F. Supp. 511, 515 (D. Mass. 1968). Judge Wyzanski's discussion is, we submit, completely dispositive here:

"A declaration of war expresses in the most formidable and unlimited terms a belligerent posture against an enemy. In Vietnam it is at least plausibly contended by some in authority that our troops are not engaged in fighting any enemy of the United States but are participating in the defense of what is said to be one country from the aggression of what is said to be another country. It is inappropriate for this court in any way to intimate whether South Vietnam and North Vietnam are separate countries, or whether there is a civil war, or whether there is a failure on the part of the people in Vietnam and elsewhere to abide by agreements made in Geneva. It is sufficient to say that the present situation is one in which the State Department and the other branches of the executive treat our action in Vietnam as though it were different from an unlimited war against our enemy.¹

"Moreover, in the Vietnam situation, a declaration of war would present consequences which no court can fully anticipate. A declaration of war affects treaties of the United States, obligations of the United States under international organizations, and many public and private arrangements. A determination not to declare war is more than an avoidance of a domestic constitutional procedure. It has international implications of vast dimensions. Indeed, it is said that since 1945 no country has declared war on any other country. Whether this is true or not, it shows that not only in the United States but generally, there is a reluctance to take a step which symbolically and practically entails multiple unforeseeable consequences.

"From the foregoing this Court concludes that the distinction between a declaration of war and a cooperative action by the legislative and executive with respect to military activities in foreign countries is the very essence of what is meant by a political question. It involves just the sort of evidence, policy considerations, and constitutional principles which elude the normal processes of the judiciary and which are far more suitable for determination by coordinate branches of the government. It is not an act of abdication when a court says that political questions of this sort are not within its jurisdiction. It is a recognition that the tools with which a court can work, the data which it can fairly appraise, the conclusions which it can reach as a basis for entering judgments, have limits."

The affidavits submitted by plaintiffs in this case show beyond doubt that for the Court to make the sort of inquiry they wish it to would be to require it to evaluate effects of political considerations, decisions, and influences—precisely the sort of inquiry which the above authorities show that the Judiciary should avoid. Plaintiffs attribute their failure to achieve a termination of hostilities in Vietnam through congressional action to a variety of such factors as the "mechanics of the legislative process in the House" (Rosenthal aff., para. 3; Conyers aff., para. 3; see also Leggett aff., p. 2); the ramifications of the seniority system in the House, and the designation of certain key

committee chairmen and House conferees, whose views on the Vietnam conflict do not appear to accord with those held by plaintiffs (see generally Rosenthal aff., paras. 3-8, 19-21; Conyers aff., paras. 3-8, 12); the political power of the President as national leader and as head of his party, as exercised through the media, though patronage, and through allocation of funds (see Rosenthal aff., para. 22; Conyers aff., para. 22; Roybal aff., para. 17; Clay aff., para. 17; Chisholm aff., para. 17; Harrington aff., para. 17; Diggs aff., para. 17; Stokes aff., para. 15) and that Legislators have in the past voted for appropriations and selective service extension bills without giving sufficient consideration to the implications of such legislation in terms of the Vietnam conflict.² (Plaintiffs' memorandum at 27, 29-30; Rosenthal aff., para. 19; Conyers aff., para. 19; Harrington aff., para. 6; Diggs aff., para. 6).

Plaintiffs argue that the question of which branch of the government has the power to declare war is a typically judicial question, similar to that of whether the power to seize steel mills in a national emergency is in the legislative or executive branch—a question decided by the Court in *Youngstown Sheet and Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

This argument, however, ignores the fact that the question of whether military operations in Vietnam should or should not be supported by a formal declaration of war or other legislative authorization equivalent thereto necessarily involves very difficult questions of foreign policy; no such questions were presented by the steel seizure case. As we have seen, questions of foreign policy have traditionally been and should continue to be, beyond the judicial sphere. *Johnson v. Eisentrager*, supra, at 769; *Chicago & Southern Airlines v. Waterman Steamship Corp.*, supra at 103, 111; *Pauling v. McNamara*, 331 F.2d 796, 798 (D.C. Cir. 1963), cert. denied 377 U.S. 933 (1964). Cf. *Medical Committee for Human Rights v. Securities and Exchange Commission*, 432 F.2d 659, 665-66 (D.C. Cir., 1970) (note 6), cert. granted 39 U.S. L. Week 3409 (March 22, 1971).

III. This Action Is a Suit Against the United States to Which It Has Not Consented.

Plaintiffs seek declaratory or injunctive relief against the Secretary of Defense, Secretary of State, and Secretaries of the Military Departments—and the United States—relief which would require them to ask Congress for a declaration of war, or its equivalent, or discontinue military operations in Vietnam. On numerous occasions the Supreme Court has held that, absent an express waiver of sovereign immunity, a court may not entertain a suit which, while nominally against officers of the United States, is in reality against the Government itself. *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682 (1949); *Malone v. Bowdoin*, 369 U.S. 643 (1962); *Dugan v. Rank*, 372 U.S. 609 (1963); *Hawaii v. Gordon*, 373 U.S. 57 (1963).

It is clear that the present action is in reality against the Government itself. "The general rule is that the relief sought nominally against an officer is in fact against the sovereign if the decree would operate against the latter." *Hawaii v. Gordon*, supra, at 58. And the decree would operate against the Government "if the judgment sought would * * * interfere with the public administration * * * or if the effect of the judgment would be 'to restrain the Government from acting, or compel it to act.'" *Dugan v. Rank*, supra, at 620. These tests are plainly met here: declaratory or injunctive relief concerning the legality of the Government's military action in Vietnam would obviously operate against the Government, would interfere with public administration, and would restrain the Government acting or would compel it to act. Since

this suit is against the Government, and since the suit cannot be properly brought under the terms of any statute waiving sovereign immunity,³ the Court should dismiss the action.

In *Dugan v. Rank*, supra, at 621-22, the Supreme Court recognized that an exception exists to the general rule precluding suits against public officers which are in reality against the government itself, where i) the official has acted beyond his statutory authority, or ii) the statutory authority on which the official relies is constitutionally void. There can be no question in this case of official action beyond statutory authority if, indeed, such statutory authority is required here.⁴

In *Luftig v. McNamara*, supra, at 665, our Court of Appeals affirmed the District Court's dismissal as "eminently correct" not only on the basis of the political question doctrine, as discussed earlier, but also because the action was an unconsented suit against the United States. See also, *Eminente v. Johnson*, 361 F.2d 73 (D.C. Cir. 1966), cert. denied, 355 U.S. 929.

IV. Plaintiffs Are Not Entitled to a Preliminary Injunction

In order to establish their entitlement to a preliminary injunction, plaintiffs must demonstrate a probable likelihood that they will prevail on the merits, and that they will suffer irreparable injury if the requested relief is not granted. In addition the Court must determine that the defendant will not suffer substantial harm if an injunction is issued, and must weigh the effect on the public interest. *Virginia Petroleum Jobbers Assn. v. Federal Power Commission*, 259 F.2d 921 (D.C. Cir. 1958).

As the above discussion has shown, there is no likelihood that plaintiffs will succeed on the merits, nor have they shown that they have suffered any demonstrable personal harm as a result of the activities they question or that they will suffer such harm in the future. Moreover, their assertion that "defendants will not suffer any injury if the relief requested herein is granted."

(Motion for Preliminary Injunction, p. 3) is patently frivolous. In any event, the public interest against entry of a preliminary injunction in this case is so plain as to require no elaboration, except to note that in the recent decision of *Page Communications Engineers, Inc. v. Resor*, No. 24784 (D.C. Cir. Dec. 4, 1970) the Court of Appeals summarily reversed the granting of a preliminary injunction by the District Court because of the latter's failure to "accord to the strong public interest in unimpeded implementation of military programs the prominence it deserves," and to "balance that interest against the asserted need for an injunction."

CONCLUSION

For the forgoing reasons, plaintiffs' request for a preliminary injunction should be denied, and the complaint should be dismissed.

THOMAS A. FLANNERY,
U.S. Attorney.
JOSEPH M. HANNON,
Assistant U.S. Attorney.
MICHAEL A. KATZ,
Assistant U.S. Attorney.

FOOTNOTES

¹ Judge Wyzanski's conclusion is supported by the statement of former Under Secretary of State Nicholas Katzenbach, in testimony before the Senate Committee on Foreign Relations in August, 1967:

"A declaration of war would not, I think, correctly reflect the very limited objectives of the United States with respect to Vietnam. It would not correctly reflect our efforts there, what we are trying to do, the reasons why we are there, to use an outmoded phraseology, to declare war.

"I feel that a declaration of war—that formulation of words would greatly misstate our objectives and be greatly misunderstood."

Hearings before the Committee on Foreign Relations, United States Senate, 90th Cong., 1st Sess., on S. Res. 151, at pp. 81, 87. Clearly, the questions raised by Mr. Katzenbach's statement are simply not appropriate for discussion or decision in a judicial forum. That plaintiffs suggest legislative alternatives to a "declaration of war" in the formal traditional sense in no way alters the basic soundness of the *Sisson* approach or of any of the other authorities upon which defendants rely herein.

² As to this latter assertion see *Velvel v. Johnson*, *supra*, 287 F. Supp. at 853.

³ Neither 28 U.S.C. 1331 nor 28 U.S.C. 2201 are statutes waiving the sovereign immunity of the United States. Section 1331 of Title 28 is the grant of "federal question" jurisdiction to the district courts; Section 2201 is the Declaratory Judgment Act; neither is a legislative authorization to seek relief against the United States. *Anderson v. United States*, 229 F.2d 875 (5th Cir. 1956); cf. *Blackmar v. Guerre*, 342 U.S. 512, 515-16 (1952). Nor did 28 U.S.C. 1361 constitute a waiver of sovereign immunity—neither new liabilities nor new causes of action were created against the United States Government by that provision. *Prairie Band v. Udall*, 355 F.2d 384 (10th Cir. 1966); *White v. Administrator of General Services Adm. of the U.S.*, 345 F.2d 444 (9th Cir. 1965); *Switzerland Co. v. Udall*, 337 F.2d 56th (4th Cir. 1964), cert. denied, 380 U.S. 914; *Smith v. United States*, 333 F.2d 70 (10th Cir. 1964); *Sprague Electric Co. v. Tax Court of the United States*, 230 F. Supp. 779 (D. Mass. 1964), *aff'd*, 340 F.2d 947 (1st Cir. 1965); see S. Rep. No. 1992, 87th Cong., 2d Sess. (1962) Rather, as these cases hold, the purpose of 28 U.S.C. 1361 was to confer jurisdiction of mandamus actions against federal officials upon all United States district courts in circumstances where, prior to its enactment, such actions could have been maintained only in the United States District Court for the District of Columbia under that court's common-law mandamus jurisdiction.

It is familiar law that mandamus lies only where "ministerial duties of a non-discretionary nature are involved" *Panama Canal Co. v. Grace Line, Inc.*, 356 U.S. 309, 318 (1958). Indeed, the Supreme Court has stated that mandamus will issue against public official only "where the matter is peradventure clear." *Id.* It is frivolous to argue that the question of whether a declaration of war is required to support the Government's military activities in Vietnam is so clear that there is a ministerial, non-discretionary duty on the part of the President to seek such a declaration. See *United States v. Sisson*, *supra*, at 514-15.

⁴ The President possesses "in his own right certain powers conferred by the Constitution on him as Commander-in-Chief and as the Nation's organ in foreign affairs" (*Chicago & Southern Air Lines v. Waterman S.S. Corp.*, *supra*, at 109), and his "very delicate, plenary and exclusive power" in the field of foreign relations "does not require as a basis for its exercise an act of Congress * * *." (*United States v. Curtiss-Wright Corp.*, *supra*, at 320). This authority extends to military activity. The Supreme Court has long held that "hostilities may subsist between two nations" without a declaration of war (*The Fliza*, 4 U.S. (4 Dall.) 37, 40 (1800)), and that authority to direct such hostilities is implicitly granted the President by the Constitution (see *In re Neagle*, 135 U.S. 1, 64 (1890)). The Executive has used force abroad at least a hundred times to accomplish national purposes without reference to Congress. *Rogers, World Policing and the Constitution* (1945), p. 56; see H. Rep. No. 127, 82d Cong., 1st Sess., pp. 55-62;

(1951) H. Doc. No. 443, 84th Cong., 2d Sess. (1956).

[In the U.S. District Court for the District of Columbia, Civil Action No. 697-71]

THE HON. PARREN J. MITCHELL, ET AL., PLAINTIFFS, VERSUS RICHARD M. NIXON, ET AL., DEFENDANTS

REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

A. Introduction

The *Memorandum* filed by defendants makes the most fundamental issue in this and similar cases admirably clear. A reading of their *Memorandum* reveals that defendants are claiming the Executive has an almost unlimited, even dictatorial, power to make the decision on war. Defendants pay no regard to the fact that the Constitution explicitly gives Congress the power to decide on war. Nor do they permit any checks on the Executive's power in the war area: the courts they regard as completely disabled from enforcing the Constitution in this area, and the Congress they would place in a position where it is extremely difficult for it to have any practical alternative but to provide men and money which the Executive can then use to fuel its self-determined war policies.

All told, the defendants are claiming a war area power so unbounded that it matches the claim of unlimited Executive power which appeared to amaze Judge Pine in *Youngstown Sheet and Tube Co. v. Sawyer*.¹ Given the claim of enormous executive power being made by defendants in this case, it is clear that the real issue here is whether this Court will countenance an Executive claim which, in the words of Judge Pine, "I am obliged to say . . . [does] not comport with our recognized theory of government, but with a theory with which our government of laws and not of men is constantly at war." *Youngstown Sheet and Tube Co. v. Sawyer* 103 F. Supp. 569, 576 (1952), *aff'd* 343 U.S. 579 (1952).

B. The political questions issue

The enormity of the defendants claim to power is made explicit in the reasons they give for their assertion that the constitutionality of their military actions is a political question. They assert that because the Executive is Commander-in-Chief, is Chief Executive, and has certain undefined foreign affairs powers, "his constitutional grant of authority is sufficient to constitute a textually demonstrable commitment of the issue to the Executive Branch." *Defendants' Memorandum*, p. 7. They even go so far as to say that "to require of the President that he submit the matter to the Congress or else conduct military operations in a specified manner would be an unjustifiable incursion on his constitutional authority" *Defendants' Memorandum*, p. 7-8.

These assertions are nothing less than a claim to dictatorial power over the matter of war, without any need to even consult Congress on the matter. The defendants' claim is thus a rewriting of the Constitution that was written by the framers, and has been flatly rejected in *Berk v. Laird*, 429 F. 2d 302 (1970); *Orlando v. Laird*, 317 F. Supp. 1013 (1970); and *Mottola v. Nixon*, 318 F. Supp. 538 (1970). Unless Congress' extensive war powers are to be read out of Article I, Section 8 of the Constitution, defendants' claim that the President has full power to make the decision on war cannot serve as a basis for saying that the constitutionality of defendants' actions is committed to the Executive as a "political question".

Defendants also assert that the constitutionality of the war is a political question because they claim a judicial decision would

Footnotes at end of article.

"embarrass" the President's foreign affairs and military policies in Asia, curtail the President's options on troop withdrawal, and affect negotiations. *Defendants' Memorandum*, pp. 8-9. What this claim comes down to, of course, is that the courts should sacrifice the Constitution in order to protect the policies of a particular President. Equally important, in putting forth their parade of horrors, defendants simply choose to ignore the fact that Congress is fully capable of considering the foreign affairs and military problems which they posit. Were the war to be ruled unconstitutional, it would be up to Congress to decide whether and under what terms of authorization the war should continue.

In making this decision, Congress could take account of possible effects upon negotiations, upon our foreign affairs and military posture in Asia, upon our allies, and upon other factors raised by defendants. Congress might even decide that, far from an "unusual need for unquestioning adherence to a political decision already made" by the Executive (*Defendants' Memorandum* p. 8), there is an unusual need not to adhere to a decision that has brought so much grief. In any event, the issue would be for Congress, and defendants' parade of horrors should be addressed to Congress rather than to this Court. Of course, that defendants addressed their horrors to this court rather than Congress is in keeping with the basic idea in their *Memorandum* that the Executive has the power to do as he wishes without regard to Congress.

In connection with defendants' parade of horrors, it is important to remember the lesson of the *Steel Seizure* case. The Supreme Court did not rule that the mills could never be seized. Rather, despite the Executive's claim that the seizure was essential and all manner of disasters would occur from the Court's ruling, the Court said that it was up to Congress to authorize the seizure of the mills: it said proper constitutional procedures need be followed. Subsequent to the decision, Congress deliberated the problem at length. It did not authorize seizure of the mills, and the Korean war effort did not collapse but instead continued successfully. Thus, in retrospect we can see that the policy justifications which the Executive presented to the courts did not represent the real necessities of the nation, but would simply have expanded Executive power and prerogative at the expense of Congress and the Constitution.

The present case is closely parallel to the *Steel Seizure* case. Plaintiffs herein are not asking the Court to rule that the United States cannot fight a war in Indo China. Rather, they are saying that proper Congressional authorization must be obtained before the defendants can wage or continue to wage a war. If the Court upholds plaintiffs, there will be a sixty day period for Congress to act as it deems necessary. If Congress thinks the real necessities of the nation do require a continuation of the war in order to protect the so called peace talks or our allies or prisoners, Congress can take this into account, in considering whether and in what terms to authorize a continuation of the war. If, as in the *Steel Seizure* case, the Constitution is to be protected from Executive aggrandizement, it is essential that this Court rule that the Congress must be given the opportunity to decide these matters and that the Executive cannot take unilateral action on the basis of alleged policy justifications which Congress might well disagree with and which might prove wholly false. For if this Court refuses to rule that the decision whether and on what terms to wage war is for Congress, then the practical effect of the Court's decision will be to support the claim made in *Defendants' Memorandum* that the President can unilaterally decide on war.

At great length defendants also make the argument that the constitutionality of the war is a political question because it may be undesirable to have a formal declaration of war. However, this argument is simply a red herring, since it is totally beside the point. As our main brief points out, it is not necessary to have a formal declaration of limited or general war in order to meet the constitutional standards established by Article I, Section 8, Clause 11. Instead war can be validly authorized by a statute or joint resolution which specifically, intentionally, and discretely authorizes hostilities.

In addition to their foregoing contentions, defendants ask this Court to ignore realism and to decide this case in a vacuum. For they say the Court should not consider any of the factors which show that Congress is in no position to make a decision on war when it considers appropriations and selective service renewals. (*Defendants' Memorandum* pp. 13-14.) It is our belief that this Court should consider realistic factors. Only unrealistic constitutional law can result from ignoring realistic factors.

Moreover, in this case, unlike any cited by defendants, Congressmen are directly asserting their own rights as legislators; and what is more, this Court unlike any other court to have considered the war, has been provided with realistic explanations of the legislative process by those in the best position to know that process i.e. by legislators. Finally ignoring realistic factors will lead to a constitution-distorting aggrandizement of Executive power over the decision on war—which, of course, is in keeping with the basic position of *Defendants' Memorandum* that the Executive can do as it wishes in the matter of war without regard to Congress.

Finally, defendants claim that the constitutionality of the war is a political question because it is up to the plaintiffs to convince their colleagues in the legislature to terminate the war. *Defendants' Memorandum*, p. 13. Here, as with so many other of their arguments, defendants have put the shoe on the wrong foot. Since Congress has not authorized war, under the Constitution it is not up to plaintiffs to convince their colleagues to terminate the war. Under the Constitution, it is up to defendants to convince the legislators to authorize a continuation of the war. Moreover, the effect of defendants' argument is that if a person can attempt to take political action through the legislature, he is thereby disqualified under the political question doctrine from also seeking judicial redress to protect his constitutional rights. We know of no principle to support this. On the contrary, courts have often protected the free speech and voting rights of individuals who could and did also try to obtain protection for these rights through the political process. Thus, that the plaintiffs can attempt to work through the political process in Congress is no reason whatsoever for saying that the "political question" doctrine bars them from also seeking judicial redress against the Executive's action of nullifying and infringing their constitutional right to participate in the decision by vote on war.

C. Standing

Defendants' lack of respect for the Constitutional role assigned to Congress, and their aggrandizement of the Executive, also is manifest in the discussion of standing contained in *Defendants' Memorandum*. As we make clear in our main brief, each member of Congress has a right of participation in a decision by vote on war. Such a vote must be taken, and must have an affirmative result, before a war can be constitutional. The Executive, however, is fighting a war without Congress ever having voted on war. This is as clear a nullification and infringement as can be imagined of each legislator's right to participate in the decision on war. Yet *De-*

fendants' Memorandum says this is only an "indirect" dilution of plaintiffs' voting power. *Memorandum* p. 6.

If defendant's action of usurping each plaintiff's right to participate in a decision on war is only an indirect and hence unimportant infringement of each plaintiff's right to vote on war, then one might as well say that it would be only an indirect and unimportant infringement of an individual's voting right if legislators were installed in office without people having voted on them, or if bond issues were floated without a vote even when the law requires a vote, or if Constitutional amendments were put into practice without a vote.

Defendants' Memorandum makes light of plaintiff's right to participate in a vote on war by asserting that this is not a right which is personal to each plaintiff as a legislator, but which can only belong to Congress as a collective body, and that therefore plaintiffs "have failed to show that 'personal stake in the outcome of the controversy' sufficient to confer standing." However, we are at a loss to comprehend how defendants' position can be maintained. A federal legislator is not a mere cog in some collective machine called Congress. A federal legislator does not sit in Congress without personal rights as a legislator. On the contrary, in connection with almost every aspect of Congress, a federal legislator acts in his personal capacity as a legislator and with personal rights appertaining thereto. Each legislator-plaintiff is elected to office personally. Each represents his constituents personally. Each works on Congressional committees personally. Each participates in Congressional deliberations personally. Each votes in Congress personally. Each will be reelected or defeated because his constituents like or dislike the actions which he or she took personally. Each plaintiff's constituents will pay great attention to what he or she does personally in Congress in regard to the war, and the constituents are likely to consider this heavily in the next election.

In regard to the war, each plaintiff as a member of Congress can attempt to protect his constituents' best interests, wishes, lives and property only by his personal vote on the decision on war. It is thus nothing short of frivolous to contend that each plaintiff is not affected personally by this case or to contend that each plaintiff does not have a personal right to vote in the decision on war or to contend that each plaintiff does not have a vital personal stake as a legislator in the Executive desisting from its infringement and impairment of the plaintiffs' right to vote on war before war can be lawful.²

Defendants' argument is not helped by their assertion that the thirteen plaintiffs here constitute about 3% of the House of Representatives and therefore could not themselves make the decision on war. For the issue of standing here has nothing to do with how many Congressmen are necessary to make the decision on war, nor is the issue over any collective right of Congress as a body. Rather the issue of standing involved here is the personal right of each individual plaintiff to participate in a decision by vote on war.

A personal right to participate in a decision by vote confers standing whether a case is brought by one person or a million. The many voting cases cited in our main brief show that when a citizen alleges an impairment of his vote, the courts do not say he lacks standing because the vote belongs not to him individually but to the body politic collectively. The courts do not say that the voter has no standing unless the number of plaintiffs is the 51% necessary to control the decision being voted upon at the election. What the courts do say is that every citizen can obtain judicial protection for his right to vote. Despite defendants' attempts to aggrandize Executive power, we assume that a

legislator is not yet a second class citizen, and that his personal right to vote as a member of the relatively small body called Congress is therefore as important and as worthy of protection as the right of every citizen to vote as a member of the relatively enormous body called the citizenry of the United States or the citizenry of a particular state or city.

Moreover, in addition to being badly wrong as a matter of law, defendants' attempt to deprecate the number of plaintiffs could easily be wrong as a matter of fact. Given the current feelings and divisions over the war, thirteen votes in the House of Representatives could easily be the margin by which a bill authorizing war is enacted or defeated. The way to find this out, of course, is for defendants to follow the Constitution by requesting Congress to enact an authorization for the continuation of war, a constitutional course which defendants eschew in favor of a claim of dictatorial Executive power over war.

D. Sovereign immunity

Defendants assert that the present suit is barred by the doctrine of sovereign immunity. Under this doctrine, the Executive can violate the Constitution and destroy lives and rights, but cannot be brought into court for those things unless the government first consents. For the defendants to assert such a defense is thus in keeping with their *Memorandum's* general theme that the Executive is all powerful and cannot be checked in the matter of war.

The fact is, however, that the doctrine of sovereign immunity is no bar to a suit challenging the constitutionality of the war. *Berk v. Laird*, 429 F. 2d 302 (1970); *Mottola v. Nixon*, 318 F. Supp. 538 (1970). The Supreme Court has said the doctrine does not apply where officers of the government have exceeded their constitutional authority. *Larsen v. Domestic and Foreign Commerce Corp.* 337 U.S. 682, 689-91 (1949); *Dugan v. Rank*, 372 U.S. 609, 621-622 (1962). This is precisely what defendants are doing: in fighting a major war that has not been authorized by Congress, defendants are acting beyond their constitutional powers.

E. Preliminary injunction

Defendants' Memorandum maintains that this case is not meet for a preliminary injunction. Our main brief points out the reasons why such an injunction is proper. Plaintiffs' *Memorandum* pp. 108-111. In any event, defendants' contention is beside the point since plaintiffs have requested that the hearing on the preliminary injunction be consolidated with trial on the merits and that a permanent injunction issue.

FOOTNOTES

¹ The COURT. Now, you contend that exercising powers where there is no statute makes a case stand on a different plane—a preferred plane?

Mr. BALDRIDGE. Correct. Our position is that there is no power in the Courts to restrain the President and, as I say, Secretary Sawyer is the alter ego of the President and not subject to injunctive order of the Court.

The COURT. If the President directs Mr. Sawyer to take you into custody, right now, and have you executed in the morning you say there is no power by which the Court may intervene even by habeas corpus?

Mr. BALDRIDGE. If there are statutes protecting me I would have a remedy.

The COURT. What statute would protect you?

Mr. BALDRIDGE. I do not recall any at the moment.

Mr. BALDRIDGE. Well, Your Honor, we base the President's power on Sections 1, 2, and 3 of Article II of the Constitution, and whatever inherent, implied or residual powers may flow therefrom.

The COURT. So you contend the Executive

has unlimited power in time of an emergency?

Mr. BALDRIDGE. He has the power to take such action as is necessary to meet the emergency.

The COURT. If the emergency is great, it is unlimited, is it?

Mr. BALDRIDGE. I suppose if you carry it to its logical conclusion, that is true. But I do want to point out that there are two limitations on the Executive power. One is the ballot box and the other is impeachment. . . .

The COURT. And that the Executive determines the emergencies and the Courts cannot even review whether it is an emergency.

Mr. BALDRIDGE. That is correct. . . .
The COURT. . . . Let me put a case to you that is not quite so difficult:

Supposing the President should declare that the public interest required the seizure of your home and directed an agent to seize it and to dispossess you: Do you think or do you contend that the court could not restrain that act because the President had declared an emergency and because he had directed an agent to carry out his will?

Mr. BALDRIDGE. I would rather, Your Honor, not answer a case in that extremity. We are dealing here with a situation involving a grave national emergency. . . .

I do not believe any President would exercise such unusual power unless, in his opinion, there was a grave and an extreme national emergency existing.

The COURT. Is that your conception of our Government? . . .

The COURT. Well, is it not your conception of our Government that it is a Government whose powers are derived solely from the Constitution of the United States?

Mr. BALDRIDGE. That is correct.
The COURT. And is it not also your view that the powers of the Government are limited by and enumerated in the Constitution of the United States?

Mr. BALDRIDGE. That is true, Your Honor, with respect to legislative powers.

The COURT. But it is not true, you say, as to the Executive?

Mr. BALDRIDGE. No. Section 1, Article II of the Constitution—

The COURT (interposing): Have you read the case of *McCullough [sic] v. Maryland* lately?

Mr. BALDRIDGE. I have, Your Honor. Section 1, Article II, of the Constitution reposes all of the executive power in the Chief Executive.

I think that the distinction that the Constitution itself makes between the powers of the Executive and the powers of the legislative branch of the Government are significant and important.

In so far as the Executive is concerned, all executive power is vested in the President.

In so far as legislative powers are concerned, the Congress has only those powers that are specifically delegated to it, plus the implied power to carry out the powers specifically enumerated.

The COURT. So, when the sovereign people adopted the Constitution, it enumerated the powers set up in the Constitution . . . limited the powers of the Congress and limited the powers of the judiciary, but it did not limit the powers of the Executive.

Is that what you say?
Mr. BALDRIDGE. That is the way we read Article II of the Constitution.

The COURT. I see. . . .
(Transcript of hearing in the District Court, *Youngstown Sheet and Tube Co. v. Sawyer*, quoted in Westin, *The Anatomy of a Constitutional Law Case*, 60-64.)

According to the defendants' theory that the right to vote on war is only a collective right of Congress as a body and is not also a personal right of each plaintiff as a legislator, the Congress could decide that any particular group of fifty representatives would not be permitted to join in the vote on war,

and the excluded representatives would not have been denied any rights because the right to vote on the war belongs only to Congress collectively and in no way inheres to the excluded representatives personally. Similarly, under the defendants' theory that the right to vote is collective rather than individual, any body of citizens could be excluded from voting for legislative representatives, and the excluded citizens would have been denied no right since the right to vote is possessed only by the body politic collectively and does not inhere to citizens as individual human beings.

Defendants' have misplaced their reliance on *Burton v. Hickel*, No. 861-70 (D.D.C. 1970), which was a suit by Congressmen to compel the Executive to enforce an act of Congress. Whether the Executive must enforce an act of Congress involves issues of possible administrative discretion in deciding on the enforcement of a statute. It is thus probable that an administrative decision not to enforce a statute in particular instances does not cause any legally cognizable injury to a legislator or anyone else and therefore does not create the personal stake necessary for standing. But no issue of administrative discretion is involved in the present case since the Constitution gives defendants no discretion to fight an unauthorized war. Thus, by fighting such a war, defendants have infringed the right of each plaintiff to participate in the decision on war and have thereby caused the injury which gives each plaintiff the personal stake as a legislator which is requisite for standing as a legislator.

BALTIC STATES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DINGELL. Mr. Speaker, the 89th Congress gave its approval to House Concurrent Resolution 416 and thereby urged the President of the United States, first, to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and second, to bring the force of world opinion to bear in behalf of the restoration of these rights to the Baltic peoples.

In adopting House Concurrent Resolution 416, the Congress expressed its strong disapproval of the actions of the Soviet Union with regard to the Baltic peoples. The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia, and Estonia by force of arms and it has continued to hold the peoples of these three peace-loving republics in servitude for more than 30 years.

Since the Soviet invasion in 1940, these three nations have lost more than one-fourth of their entire population through exile to the Arctic and Siberia and through extermination. The Balts, however, have continued to wage an intensive fight for freedom.

The time has long since passed for the Soviet Union to have released the people of the Baltic States from their servitude. Mr. Speaker, it is incumbent upon the

President to bring the Baltic States' question actively before the United Nations so that the Nations of the world will have an opportunity to give expression to their desire that the Soviet Union withdraw from Lithuania, Latvia, and Estonia.

HON. JAMES A. FARLEY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DELANEY. Mr. Speaker, the elder statesman of the Democratic Party, chairman of the board of the Coca-Cola Export Corp., the Honorable James A. Farley, extremely active at 83, always provides interesting viewpoints and background items.

I would like to insert in the RECORD the report of an interview with Ernest Cuneo, from the Paterson, N.J., News, in which he details some family background not publicly and popularly known. I am sure this will be of interest to the many, many people who have followed Mr. Farley's career through the years.

The interview follows:

AN INTERVIEW WITH JIM FARLEY

(By Ernest Cuneo)

WASHINGTON.—Straight as a ramrod and lean as a wolf, the beautifully tallered giant put down his famed green ink pen and leaned back in his cabinet chair. He was asked how it felt to be 83 years old. "I haven't the slightest idea," he answered, and motioning to the stack of letters he was in the process of signing, he added, "And I haven't the time to find out."

"You mean you pay no attention to the calendar?" he was asked.

"I don't even pay any attention to the clock," he said, "because I found neither of any particular assistance in doing the work I had to get done. I've been too occupied with other people to become very preoccupied with myself."

"I don't count this as a personal virtue; it's a matter of fact, it was a result of a great family tragedy. My father was a brick manufacturer, the old-fashioned head of an old-fashioned family. One morning, he was hitching up the horse to go to the funeral of a neighbor's daughter and the horse kicked him. He died that night."

"My mother called her children together after the funeral and told us that we'd all have to think of each other and to work hard. Well, of course, work means performing services for other people and I found early that I liked people so much that it wasn't really work, in the ordinary sense, to be engaged in useful functions. It wasn't work for me; to use that old-fashioned term, we were gainfully occupied. My mother, a good and wise woman, emphasized the 'occupation' on the ground that the 'gain' would take care of itself."

"What of the legend that out of love for your mother, you never smoke nor drink?"

"She asked us never to drink or smoke, and I never have. But primarily, that's out of respect for my mother's love for us, and not only the other way around. I just couldn't do anything which would hurt her—then or now," he added thoughtfully.

"Your education ended with high school?" he was asked.

"No," he said, "it began then. I went to Packard Commercial School and became a bookkeeper." "It was there I learned," twin-

kled Mr. Democrat, "that the hearts of people don't show up on balance sheets."

"Then where do they show up, General?" he was asked.

"Why," he said incredulously, "in people. All people in general, though, of course, in the Democratic Party particularly. Why the first public office I held—town clerk—was made possible by votes of friendly Republicans. I might not have had a political career had not the Republicans given me the margin."

"That's what I like about Republicans," he beamed, "they'll split a ticket on occasion—a practice, however, I do not recommend to Democrats."

"What do you think is the greatest advantage of this 20th Century, General?"

"No question: that the Democrats always come up with the right people at the right time with the right answers."

"You're pretty sure of it?" he was asked.

"As certain as I'm sitting here," he answered—as he stood up.

Then you think that the Democrats are offering candidates of presidential timber?

"Why," said the War Horse as he galloped on familiar ground, "for one, Sen. Henry 'Scoop' Jackson, as presidential timber, stands as tall as the Douglas fir of his native state."

"Then you endorse Senator Jackson?"

"That's not what I said," he corrected. "The State of Maine also has some very fine stands and, in fact, is known as the Pine Tree State. Why, there are some giant pines up there still marked with the Kings Crown, for use as masts in the Royal Navy."

Would you say then that you regard Senator Muskie as royally marked for the presidency?"

"The Democratic Party," said the general severely, "does not go in for royal choices, being the Party of People; but if it did, I think it would prefer the Crown of Tara to the Crown of England. Not that I have anything against royalty, though I once had. Today, some of my best friends are former kings; they're very democratic now, and I sincerely mean that."

"To continue, certainly, Maine has great timber, but so does Minnesota, and it has presidential timber in Senator Humphrey."

"What of Senator McGovern?"

"South Dakota," the general said firmly, "has some fine stands of timber, but I see none towering against the sky at this time."

"And Iowa?"

"It's difficult to tell: everything grows rapidly in Iowa, and Senator Hughes is of growing stature."

"And Indiana?"

"The Birch is a justly famous wood, with excellent possibilities as a firm and reliable combination with more seasoned timber."

"And New York?"

"What New York needs most," declared the general, "is a re-seeding at City Hall. As presidential timber goes, John Lindsay is a dwarf pine. Republicans themselves refused to re-nominate him for mayor."

"As a matter of personal record, how many ceremonies and how much traveling did you do last year?"

"About 130 dinners, 105 luncheons, 26,000 miles of travel in 16 different countries."

"All work and no play makes Jack a dull boy," he added.

"General, would you say you get away from people by visiting other people?"

"Well, you might say that. I don't want to get away from it all, because all of the world is people."

"Will you ever retire?"

"Sure, but up to now, I've just been too busy to grow old."

"General, do you have any major weaknesses?"

"Well, my mother never warned me against vanilla ice cream and I'm glad she didn't."

THE NEED FOR HEALTH REFORM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FRASER. Mr. Speaker, recently I held 3 days of hearings on health care in Minneapolis. Invitations were sent to all segments of the medical and non-medical communities—doctors, hospitals, planning groups—plus consumers and Government agencies. Almost 100 witnesses testified or submitted remarks for the record. They represented all fields of professional medicine, State, county, and Federal officials and medical consumers.

There were two objectives to the hearings. First to learn about the health care needs of the Twin Cities area, and second, to provide an areawide forum for discussion of the legislative proposals before Congress including the President's health message. These legislative proposals include the Health Security Act of 1971 (H.R. 22) of which I am a co-sponsor.

There was a surprising degree of unanimity that the delivery system of health care be better organized. The majority of the witnesses favored a team approach organized to prevent illness rather than continuing the heavy reliance on curative medicine.

Testimony revealed that many areas lack even basic medical services. For example, 80 percent of the American Indians in one area had never seen a dentist; 30 percent of all women in another area had no prenatal care. In some areas local residents have succeeded in establishing clinics offering minimal services, restricted by lack of funds and critical shortages of trained personnel. And yet within these restrictive limits these clinics provide the only contact these residents have with medicine or medical care. Any comprehensive proposal must recognize that not only must more medical services be provided, but these services must be geographically dispersed, and have the care of the patient as the most important factor.

A plea for greater Federal funding of comprehensive health planning programs was made. If we are not to have too many hospitals in one area with shortages in others as well as too many specialists and not enough general practitioners then we must approach our needs in a rational and intelligent manner.

Representatives of labor, senior citizens, and other consumers testified to the high costs of medical care and asked that Federal programs take into account the needs of consumers and their ability to pay.

Because of the great interest in reform of the financing and delivery of health services, as well as the critical need for changes, I am making the views of those who testified available to the Members of Congress. For the next few days topical testimony will be presented in the RECORD.

The initial testimony revealed the appalling lack of services available to large

numbers of individuals, the response, free clinics.

Roberta Acosta, Jim Carmody, and Margaret Schuering of the Westside People's Health Center in St. Paul testified to the accomplishment of volunteers in serving these new institutions. Ed Lambert of the Beltrami Health Center stated in his testimony that each clinic is different—each one functions according to the community it serves. The clinics are a significant undertaking, containing needed flexibility. Dean Zimmerman of the Cedar-Riverside People's Center maintains that the word clinic contains too narrow a meaning. The institution he serves is a center—it meets medical, clothing, and food needs of its patients. Dean Zimmerman submitted the following statement which explains in detail the activities of this important community response to vitally needed medical services:

SUMMARY

BY THE COMMUNITY

The Cedar-Riverside People's Center was set-up and is controlled by the residents of the Cedar-Riverside community. Through mass meetings arranged by the Cedar-Riverside Community Union, the community formulated the guiding principles and structures. The Policy Board implements those principles. Five community residents and two staff representatives comprise the Board. The Center serves all age groups—long time residents, senior citizens, and youth. The delivery of care is a personal response in an accepting as well as non-judgmental atmosphere. Individual freedom of choice and the right to privacy are foremost. This is a health care center in a total sense and an alternative to institutional experiences. The thrust of the Center is not experimental or educational—it is service to the community determined by them.

Staff

The People's Center is staffed by volunteers; professionals, area residents and patients, except for the salaried coordinator. There is no specific charge for services. Instead, donations of time, skills resources or money are actively solicited. In this way, the community is responsible for the basic manpower of the Center.

FOR THE COMMUNITY

Services

All services are based upon: complimentary, not competitive relations; team approach within and between areas; full utilization of community and professional resources; and innovative use of training.

Medical

Complete outpatient medical care is available to all. A medical team consists of a medical student, medic or community volunteer taking histories; a nurse, medical student and pharmacist deliver primary care; and are supervised by the attending physician. The Center has a laboratory to do routine blood, urine studies and cultures. Other lab tests are taken to medical institutions who donate their work.

Pharmacy

A volunteer registered pharmacist dispenses all drugs and consults on therapeutic plans. Patients are individually instructed on the prescribed medicines and discuss any questions with the pharmacist. All drugs are dispensed without cost.

Psychopharmacology

Psychopharmacology advice and information is available one night a week from a graduate or post-doctoral student. The goal is to provide reliable information on drugs, their use and abuse.

Veterinary

Responding to the needs of this particular community, a veterinarian was one of the most urgent services. The People's Center has the only preventative vet clinic without monetary payment in the Twin Cities. Registered veterinarians and senior vet students offer shots, minor surgery, and general treatment.

Legal

Legal advice and advocacy are offered by the University of Minnesota Legal Aid Clinic and the Hennepin County Bar Association, Legal Advice Committee. The close proximity of the Center's diverse services enables the lawyers, for example, to seek assistance for an initially legal problem that requires counseling, medical or psychological support.

Psychological counseling

Psychological counseling frequently is a resource for other services. Individual counseling, long and short term is done by graduate students under the supervision of a licensed clinical psychologist.

The People's Center has the services of a psychologist specializing in human sexuality offering sex counseling.

Social services

Social Services offers a wide range of assistance:

- Crisis intervention.
- Family planning—birth control counseling.
- Referrals and client advocacy to other agencies.
- Drug usage.
- Family problems.
- Adjustment problems.
- Information.

Approximately 16 community and professional volunteers staff the Social Services area.

People's pantry

The People's Pantry joined the Center in the Center's first six months of operation. It was a growing independent community project that came to the Center for space. The purpose was to make health foods available at low cost. Approximately 30 community volunteers worked for the Pantry until it closed due to zoning regulations and awaits the opening of the North Country Co-op, another community controlled venture.

Dental clinic

In September, 1970, six dentists enrolled in the University of Minnesota School of Public Health volunteered to study and set up a dental facility for the community. They have acquired equipment donated from retiring dentists. Construction and basic policy is presently being planned.

THE FUTURE

Senior citizens who comprise a sizable portion of the Cedar-Riverside community have voiced the desire for a quiet snack place outside the hi-rises and their homes. A room has been constructed for them at the Center. Programming has not yet begun.

In addition, a mobile medical unit is being sought to do house calls especially to the elderly and emergency transportation.

Preventative action is one of the goals of the medical clinic. Volunteer nurses and area mothers are studying the development of a Well-Baby clinic with educational classes.

The Cedar-Riverside community has established a viable way by which a community can meet its own needs. The People's Center is the beginning of an unique solution for total health care delivery.

FINANCIAL SUMMARY

July 1, 1970 to Dec. 31, 1970:	Income
Community donations	\$1,414.80
Organizations	4,895.00
General Hospital pharmacy supplies	4,748.32
Total	11,058.12

Estimated:	Expenditures
Building	\$1,750.00
Administration	377.00
Coordinator salary	1,750.00
Pharmacy	4,748.32
Lab equipment	100.00
Veterinary supplies	120.00
Total	8,845.48

DISASTER LOBBY**HON. WILLIAM L. DICKINSON**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DICKINSON. Mr. Speaker, this is the time of year for high school and college graduations. With that in mind, I am directing these remarks particularly to young people who will be our future leaders and who are faced with the challenges that only a free country like ours can offer.

What in the world is the matter with those who are constantly sniping at the U.S. Government—those people who are afflicted with a disease called anti-Americanism, who continuously criticize everything and everybody and every motive and every action, except their own?

They should realize that this Nation is the most wonderful on earth. Ours is a nation that has gone to extraordinary lengths to uplift the poor, feed the hungry, comfort the afflicted, and extend justice to everyone. In no other land, under no other system, is the individual more respected or better treated. Nowhere is a person as free to do what he wants with his life. Nowhere in the world, despite our occasional overemphasis on getting and spending, are charity and service to mankind more practiced or revered than right here in America.

Even though there has been a tendency of late to castigate the "American Way of Life," we are not a debased or rotten nation. The critics have not—and most likely never will offer—a better system or any meaningful solutions to the problems that confront us. We have our share of criminal misfits, of course, but most of us are pretty decent people—hard working, law abiding, God fearing. All of us want a better life for ourselves and our children, and most of us want a better life for our neighbors, too.

It is unbelievable that so small a minority of Americans, rather anti-Americans, could create such a terrible atmosphere in this country. When this type of situation confronts you, remind the dissidents that there is no nation anywhere which can compare with ours. Ask them these questions: Where else in the world does the housewife enter stores expecting to see goods stacked to the ceiling, rather than wondering how she is going to grow or beg food for the family? What other country has poured out its own wealth and largess to help nations with which it does not agree? Where else in the world is there a public education system the match of ours?

Actually, there is much that could be improved in this country. Maybe we have

not tried hard enough to right wrongs, but we have tried and will continue to try. There is so much good to be said about this great country—why do you not pass some of it along?

Mr. Speaker, at this time I include in the RECORD an extremely interesting article which appeared recently in the Birmingham News:

LOOK'S PUBLISHER BLASTS URGING OF "DISASTER LOBBY"

It has come to Ol' Vulc's attention that an important member of media—you know those folks you are frequently hearing about from politicians and others—made a most significant speech recently before the members of Illinois Manufacturers' Association.

If one of the good members of the association had made the speech even an old ironhead like this one would have thought—well that is one of those fellows who own factories, made goods, keep the wheels of the economy going.

But when a copy of the gentlemen's remarks came into Ol' Vulc's hands, "low and behold" the remarks were those of the publisher of Look magazine, Thomas R. Shepard, Jr., whose publication has on occasion taken rather critical looks at the American scene.

Ol' Vulc cannot pass onto you all that Shepard had to say to the Illinois Manufacturer's Association. His allotted space will not permit it. But Shepard spoke out frankly with great forthrightness and he created a phrase that will probably catch on—"The Disaster Lobby."

This ironhead had an impression Shepard was speaking for the millions who think that "something is right in America." Certainly there is much that must be done to keep the nation in the fullest sense of the word—"The Home of the brave" and if that is to happen much that has been neglected throughout the years must be quickly and effectively changed.

Education must progress. More jobs must be created. Companies whose trademarks are great in the marketplace must stand behind their brands. Pollution must be the special project of those who have created the "bad air" and the "bad water." Ol' Vulc is sure Shepard meant for those with responsibility to meet the challenges of our times.

HOW CAN I FEEL SO GOOD?

Now listen to part of what Mr. Shepard had to say:

One morning last fall I left my office here in New York and hailed a cab for Kennedy Airport. The driver had the radio tuned to one of those daytime talk shows where the participants take turns complaining about how terrible everything is.

Air pollution. Water pollution. Noise pollution. Racial unrest. Campus unrest. Overpopulation. Underemployment. You name it, they agonized over it. This went on all the way to Kennedy and as we pulled up at the terminal the driver turned to me and said—and I quote—"If things are all that bad, how come I feel so good?"

Ladies and gentlemen, I wonder how many Americans, pelted day after day by the voices of doom, ever ask themselves that question: "If things are all that bad, how come I feel so good?"

Well, I think I have the answer. We feel good because things aren't that bad. Today I would like to tell you how wrong the pessimists are and to focus an overdue spotlight on the pessimists themselves. These are the people who, in the name of ecology or consumerism or some other "ology" or "ism" are laying siege to our state and federal governments, demanding laws to regulate industry on the premise that the United States is on the brink of catastrophe and only a brand-new socio-economic system can save us.

I call these people The Disaster Lobby, and I regard them as the most dangerous men and women in America today.

Dangerous not only to the institutions they seek to destroy, but to the consumers they are supposed to protect.

DISASTER LOBBY WRONG

But what about air pollution? You can't deny that our air is getting more fouled up all the time, says the Disaster Lobby. Wrong, I can deny it. Our air is getting less fouled up all the time, in city after city.

In New York City, for example, New York's Department of Air Resources reports a year-by-year decrease in air pollutants since 1965. What's more, the New York City air is so immeasurably cleaner today than it was a hundred years ago, when people burned soft coal and you could cut smog with a knife.

Which brings us to water pollution. The Disaster Lobby recalls that, back in the days before America was industrialized, our rivers and lakes were crystal clear. True. And those crystal-clear rivers and lakes were the source of the worst known cholera, yellow fever and typhoid epidemics the world has ever known. Just one of those epidemics—in 1793—killed one of every five residents of Philadelphia.

Our waterways may not be as pretty as they used to be, but they aren't as deadly either. In fact, the water we drink is the safest in the world. What's more, we're making progress cosmetically. Many of our streams will soon look as wholesome as they are:

PUT BLAME ON NATURE

I now come to the case of the mercury in tuna fish. How did it get there? The Disaster Lobby says it came from American factories. The truth, as scientists will tell you, is that the mercury came from deposits in nature.

To attribute pollution of entire oceans to the 900 tons of mercury released into the environment each year by industry—that's less than 40 carloads—is like blaming a boy with a water pistol for the Johnstown Flood. Further proof? Fish caught 44 years ago and just analyzed contained twice as much mercury as any fish processed this year.

Then there is the drug problem. Isn't it a fact that we are becoming a nation of addicts? No, it is not. Historically, we are becoming a nation of nonaddicts. Seventy years ago, one of every 400 Americans was hooked on hard drugs. Today it's one in 3,000. So, despite recent experimentation with drugs by teenagers, the long-range trend is downward, not upward.

Another crisis constructed of pure poppycock is the so-called "youth rebellion" to which the Disaster Lobby points with mingled alarm and glee. But once you examine the scene in depth—once you probe behind a very small gaggle of young troublemakers who are sorely in need of an education, a spanking and a bath, not necessarily in that order—you can't find any rebellion worth talking about.

LEAST RACIST NATION

The same assessment can be made of the putative black rebellion. There isn't any. Oh, there are the rantings of a lunatic fringe—a few paranoid militants who in any other country would be behind bars and whose continued freedom here is testimony to the fact that we are the most liberated and least racist nation on earth. But the vast majority of black Americans, as that same Gallup study revealed, are staunch believers in this nation.

How about unemployment? The Disaster people regard it as a grave problem. Well, I suppose even one unemployed person is a grave problem, but the record book tells us that the current out-of-work level of 6 per cent is about par. We've had less, but we've also had more—much more.

CXVII—1312—Part 16

During the Kennedy administration unemployment topped 7 per cent. And back in the recovery period of Franklin Roosevelt's second term, unemployment reached 25 per cent. So let's not panic over this one.

That word "panic" brings me to the H-bomb. Some people have let the gloom-mongers scare them beyond rational response talk about atomic annihilation. I can't guarantee immunity from the bomb, but I offer the following as food for thought. Since World War II, over one billion human beings who worried about A-bombs and H-bombs died of other causes. They worried for nothing. It's something to think about.

HARD WORK FOR 38 YEARS

One final comment on the subject. Members of the Disaster Lobby look back with fond nostalgia to the "good old days" when there weren't any nasty factories to pollute the air and kill the animals and drive people to distraction with misleading advertisements. But what was life really like in America 150 years ago?

For one thing, it was brief. Life expectancy was 38 years for males. And it was a grueling 38 years. The work load was 72 hours. The average pay was \$300. Per year, that is.

The women had it worse. Housewives worked 98 hours a week and there wasn't a dishwasher or vacuum cleaner to be had. The food was monotonous and scarce. The clothes were rags. In the winter you froze and in summer you sweltered and when an epidemic came—and they came almost every year—it would probably carry off someone in your family.

Chances are that in your entire lifetime you would never hear the sound of an orchestra or own a book or travel more than 20 miles from the place you were born.

Ladies and gentlemen, whatever American businessmen have done to bring us out of that paradise of 150 years ago, I say let's give them a grateful pat on the back—not a knife in it.

Now I'm not a Pollyanna. I am aware of the problems we face and of the need to find solutions and put them into effect. And I have nothing but praise for the many dedicated Americans who are devoting their lives to making this a better nation in a better world.

UNITED STATES SOLVING PROBLEMS

The point I am trying to make is that we are solving most of our problems, that conditions are getting better, not worse, that American industry is spending over \$3 billion a year to clean up the environment and additional billions to develop products that will keep it clean, and that the real danger today is not from the free enterprise establishment that has made ours the most prosperous, most powerful and most charitable nation on earth.

No, the danger today resides in the Disaster Lobby—those crepe-hangers who, for personal gain or out of sheer ignorance, are undermining the American system and threatening the lives and fortunes of the American people.

The time for surrender and accommodation is past. We must let the American public know that, once free enterprise succumbs to the attacks of the consumerists and the ecologists and the rest of the Disaster Lobby, the freedom of the consumer goes with it. His freedom to live the way he wants and to buy the things he wants without some Big Brother in Washington telling him he can't.

Truth and justice and common sense are on our side. And Americans have a history of responding to these arguments. All we have to do is get the story out—as often as possible, in as many forms as possible. And let's not vitiate our efforts by talking to each other—one businessman to a fellow businessman.

CONFEDERATE MEMORIAL DAY—
1971

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. RARICK. Mr. Speaker, June 13 was Confederate Memorial Day. In our Nation's Capital and in keeping with the custom established in 1914, the descendants and friends of Confederate veterans held memorial services at the Confederate Monument in Arlington National Cemetery.

I was honored to have been asked to deliver the address for the occasion. I include my speech at this point in the RECORD:

SPEECH BY MR. RARICK

Mr. Chairman, Madam President General of the United Daughters of the Confederacy, Commander Eble of the Sons of Confederate Veterans, Commander Porter of The Stars and Bars, Distinguished Officers and members of your organizations, Members of our United States Armed Forces, Distinguished guests, descendants, sympathizers and friends of the South:

As a U.S. Representative of a Southern Congressional District, I have many times explained my service here in our Nation's Capital as similar to that of a spy behind enemy lines.

Consequently, I was most happy and gratified at the large gathering at Gettysburg Friday for the dedication by the State of Louisiana to our Confederate dead on that battleground—a reminder to posterity that Louisianians were there and cared enough to remember.

I join with your leaders in expressing gratitude for your presence today—your attest to your loyal respect for history as well as your memory of the unforgotten heroes of the South.

We are gathered again to pay our respects to the fallen heroes of the Southland who made the supreme sacrifice in the first battle to preserve the U.S. Constitution—a war fought to deny Southern States their Constitutional right to independence.

Here about us arrayed around this beautiful monument sleep 267 Confederate soldiers and their wives.

A monument of mortar and steel will long endure as a reminder for future generations, but the true story of devotion can only be immortal so long as the issues and facts of history live in the hearts and minds of those of us who follow.

If those of the Southern cause were but able to speak to us today, would they not compel us to take heed of their mistakes and relate their struggle not only to the present, but what by logical conclusion faces us in the future? Those we honor today have written their lesson in blood and courage. We ignore the past at the peril of the future. The Union must be preserved. * * * There can be no secession under the Constitution. Our people as a nation move forward united, or we go down in flames together.

Yet today, Americans are being told that the Constitution is no longer the law of the land. It no longer protects us as individuals. It has been usurped or superseded by treaty, United Nations Charter, or Supreme Court amendment.

Internationalism . . . one-world thinking . . . bombards our environment from the news media, text books, church, booklets and sermons, attack against our culture and our living patterns. Yes, our very way of life and

our children's birthright as free people are under massive revolutionary assault. There is a new secessionist movement underway.

A small minority has already seceded from the Union; and by raw power intrigue, distortion and manipulated violence would capture and deliver all our people into a new system of worldwide government, reducing our beloved United States to the role of a state among states.

Already the spokesmen of the new secessionist movement dictate our customs, our morals, our styles, and our thoughts without any voice or vote by the people. Those who disagree are told the changes are necessary for progress in the name of peace. They tell us it's too late to stop the revolution anyway. The trend is irreversible.

Can there be a difference between secession by people working through their State governments in accordance with the compact between the States to achieve peace and a secession movement led by a small group of wealthy internationalists with no mandate from the people or States but manufacturing justification under treaties and UN Charter and hiding behind the veneer of world peace and brotherhood?

The union today is divided—not by states or geographical sectionalism, but more by philosophical ideas. We find many new Southerners outside Southern States who join with us in abhorrence at the new secessionist movement.

What no foreign despot has ever achieved—nor did even the War Between the States accomplish—has now become a clear and imminent threat. Dismemberment of the United States by treasonous acts against the Constitution is now claimed justified as patriotic acts of courage to achieve peace.

If secession by the South was illegal, how can secession by the internationalists as "winds of change" be legal? The only logical answer is that the South must continue to be made the whipping boy of guilt and shame. The history of the United States is the history of the South and Southern people. Conceding this to be true, then the future of our nation can only be the future of the South and its people. The South is the greatest threat to the new secessionist movement.

It is time that we of the South start accentuating the positive, rather than defending the negative.

The new war of secession that we face is a psychological war of semantics, of words, slogans, bias and distortion. The most successful implements of war are not always swords, but rather—by dropping the "s" from in front of the "w," we have the weapon of modern warfare—"words."

The stigma of being marked as a Southerner should always be borne with pride and honor. It is to your credit, not to your shame. Every progressive and libertarian idea, concept, and tradition in our country originated with and comes directly from Southerners and Southern leaders.

It was Patrick Henry, a Southerner from Virginia, who used his sword—"words"—to rouse the American colonists to resist tyranny from the omnipotent power of his era.

It was George Washington, another Southerner, who led the true Revolutionary Army that subdued the tyranny of foreign power, then served as chairman of the Constitutional Convention, and ultimately became the first President of our new Republic.

It was Thomas Jefferson, another Southerner, who was responsible for the indictment of English colonialism by drafting that cherished freedom document, the Declaration of Independence. The same Thomas Jefferson who, unsatisfied with the Constitution as accepted because of the fear of too much power being amassed in the new Federal Government, was responsible for the words and adoption of the Bill of Rights, i.e., the first 10 amendments to the Constitution—

a Bill of Rights which guarantees nothing, but is worded to prevent a too powerful central Government from interfering in your God-given talents and your freedom of choice in exercising maximum control over life and destiny as well as that of your children.

It was James Madison, another Southerner, later to become the fourth President of the United States, who was the secretary and kept the notes at the Constitutional Convention. Of the 37 Presidents of the United States, 14 were either born, reared in, or claimed the South as their home.

Of the 14 Chief Justices who have been on the Supreme Court of the United States, 5 have been Southerners, including Edward Douglas White of Louisiana, who authored the Slaughterhouse Cases, which allowed the American people to live in peace for three decades under the separate but equal theory of Constitutional law, until overthrown by Earl Warren in 1954.

Chief Justice John Marshall, acknowledged by lawyers and jurists as the great builder of the Supreme Court, was a Southerner from Virginia.

Southerners who are identified in history for their exemplary military services to the United States include General Douglas MacArthur of Arkansas, Andrew Jackson of Tennessee, General George Patton, Admiral Chester W. Nimitz, and General—later President—Dwight D. Eisenhower, all of Texas. And, of course, General Robert E. Lee, who resigned his Union commission and left his post as Commandant of West Point to take command of the Confederate forces. Following the Civil War, Lee concentrated his energies not in despair or revenge, but by serving as President of Washington College, later to be renamed Washington and Lee, where he labored to preserve and perpetuate our Southern education and culture.

But among the noblest of all American patriots and statesmen was Jefferson Davis of Mississippi. History has not smiled on President Davis nor his devotion to duty under the Constitution as he saw it. But then, few Southerners wrote the history.

As the newly-elected president of the Confederacy is reported to have said to Mrs. Davis:

"If we succeed, we shall hear nothing of these malcontents.

"If we do not, then I shall be held accountable by friends as well as foes. I will do my best and God will give me strength to bear whatever comes."

Jefferson Davis, at age 16, entered West Point military academy where he served with Robert E. Lee. As a lieutenant in the U.S. Army, he served in Northern States during the Black Hawk Indian War. He served his country and State as a U.S. Congressman. During the Mexican War, he returned to the army and as a combat officer rose to the rank of colonel and distinguished himself under fire. Under President Franklin Pierce, he served 4 years as Secretary of War, resigning to serve in the U.S. Senate for his State of Mississippi.

Jefferson Davis was well-known among Northerners and was the Nation's last moderate chance to avoid secession or armed conflict. But Senator Davis' appeals for reason in those days were as effective in dealing with the abolitionists as are the appeals to common sense with the civil rights abolitionists of today.

President Davis was and is still regarded as a leading Constitutionalist in the defense of state's rights and local government. He adamantly opposed every intrusion by the Federal Government to interfere in the state government, urging that such rights were never surrendered to the Federal Government in the compact by the States. Many of President Davis' statements and warnings ring clear and applicable today.

A steadfast patriot and true leader, not suffering the disease of compromise for fame

and fortune, President Davis remained unwavering in his ideas and dedication to the death.

Captured by Union forces, he was imprisoned for 2 years, until released on \$100,000.00 bond. Charged with treason under the Constitution, he was denied trial, which he sought so that he could prove by law his innocence under the Constitution and therefore the legality of the Confederate cause.

President Davis never recanted. He refused to ask the Federal Government to restore his citizenship. His constant position was that he had done nothing wrong, that it was the Northern politicians who had broken the Constitutional compact between the States.

At the age of 76, speaking to the Mississippi State Legislature, President Davis said he had never repented. "If I were to do it all over again, I would do just as I did in 1861."

So long as men cherish the concept of limited government by law and revere the U.S. Constitution, no greater champion nor martyr to his cause can be found in history than Jefferson Davis—statesman, soldier, patriot, American from the South. His was the fearless dedication of a great leader for all Americans—for all times.

These are but a few of the distinguished Southerners who played leading roles in founding our Nation, drafting its laws, preserving our liberties, and passing them on to our generations. We can be proud to be Americans, but more especially proud to be Americans from that region of our Nation known as the South.

The history of the U.S. is the history of the South and Southern people. When the South, its people and institutions, has been given its fair voice and representation in our Government, U.S. citizens have enjoyed the greatest peace and prosperity. But when the molders of public opinion and national leaders exploit the South as a whipping boy for political gains such as trading off our people for bloc votes in Northern cities, history then is complete, in that our Nation is reduced to a standstill. When, "we the people" are not truly represented, our Nation is plagued by misunderstanding, division, distrust, and even violence.

Since the history of the U.S. is the history of the South and Southern people, then the future of the U.S. is that of the South and will depend upon the dedication, intelligence, leadership and organized efforts of Southern people today and in the future. We cannot now permit the new secession. The Union is preserved for all, or all is lost.

We must gird for the battle by ridding ourselves of any feeling of guilt or fear. Psychological words such as racist, bigot, extremist, and repression are but emotional trigger words—word-swords—of the war of nerves, intended to catch you off guard, to deny you your right to rebuttal—to deny believability to your expressions and explanations. In short, to shut you up and thereby deny your freedom of speech and expression. Racism, bigotry, and extremism do not exist where there is no freedom. Where there is repression, those repressed are unable to complain.

While it seems to be the rage of the times to say, "Yes," it takes real courage to say, "No." This reminds me of the military commander who, upon seeing his men turn and run, said, "I'm their leader; I must follow them." Anyone can jump into the stream and float with the debris and refuse. It takes a thoroughbred to buck the current and tide. Politicians and public opinion polls produce followers, not leaders. Politicians and opinion-making agents with pretty faces are selected by the communications people and sold to unsuspecting people like so much merchandise.

Today's common enemy loves repetition. Remember that when you see or hear an idea or an individual given wide coverage

on TV or the newspaper—beware! This is but the word-sword of the power secessionists striving to brainwash you into surrender by overselling the suggestion that the expressed ideas are representative of the masses; and to create the impression that if you disagree, you are alone and you best be quiet.

Southerners, and most thinking Americans, by now are aware that the great bulk of our communications media are not interested in giving factual news but rather in serving as vehicles of propaganda by people who do not like us nor our Southern heritage. In fact, they admit using their stewardship supposedly to bring "peaceful change" to our system of government. Do you know of any wire services or TV networks in the North owned by Southerners. Remember that the First Amendment, freedom of speech and press, was never intended to give a brainwashing monopoly to the wealthy owners of communications devices to sell only their biased ideals! The First Amendment freedom was intended to guarantee that our people receive the truth and be fully informed on all issues so that by being so informed, we can act to retain our freedoms.

Free thought and individual action has always been associated with the South and Southern people. Yes, Southerners are different. They are different because they are the descendants of the only Americans who have been defeated in war, who have lived under enemy occupation and know what it is to be prisoners in their own homes; the tyranny of being denied all Constitutional liberties. The Reconstruction Period in the South should never be forgotten. Its lesson should remind all Southerners that if we do not take a stand for our freedoms; then we deserve to lose them. This is why most Southern people are so outspoken and intolerant against revolutionary moves and new extremist changes. Many react without knowing why—almost by instinct.

There is nothing wrong with our system of government, with our country, or with our people. Our problem is with the small, dedicated internationally-minded group of new secessionists who by the use of power and wealth prevent our system from working as intended.

Power to the people! That's what the Constitution was all about. Power to the people! That's what the struggle for Southern independence was all about.

Those who seek "power to the people" today do not tell us to what people they desire to give the power and control over our lives. Their activities can only make us suspect that they are being used to create an evil impression that there is something wrong with people-power.

There are those constantly among us who set traps by striving to convince our people that free men are incapable of governing themselves and that we'd be better off joining the new secessionist movement under the new leadership of an elite one-world aristocracy. If our people fall for the bait, we will not only lose our country but as individuals be reduced to the state of common laborers on the new plantation.

It is past time that we of the South break loose from our verbal bondage. We must stop being defensive and regain the offensive. We must charge with our weapons of words and honesty; for if the U.S. loses, we all lose.

The history of the South is the future of the United States. The action of the South and Southern people will decide our Nation's future or its fate.

This is our challenge—by working together we can preserve the Union and perpetuate the noblest system of government our Creator has ever bequeathed to free men.

The lessons from battles of our fallen heroes of over 100 years ago remain unchanged.

"For we struggle not against flesh and blood, but against principalities, against powers, against the rulers of darkness of this world, against wickedness in high places."

The history of the United States is the history of the South—the future of the United States is the future of the South—out-numbered always. To that end, we rededicate ourselves, our fortunes, and our sacred honor on this Confederate Memorial Day here among the habiliments of our illustrious dead and America's heroes of all wars.

WILLIAM G. GISEL—AN INNOVATOR

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEMP. Mr. Speaker, my good friend Bill Gisel has been president of Bell Aerospace for 11 years and is leading the search for new dimensions in writing tomorrow's aerospace history. Bill is thinking about research and development for needs in the next decade.

A recent aerospace magazine article emphasizes the abilities of Bill Gisel and I am delighted to call this to the attention of my colleagues.

The article is included at this point:

THE INNOVATORS

(By William G. Gisel)

Bell Aerospace has been pioneering in new concepts for aircraft ever since Lawrence D. Bell founded his Bell Aircraft Corporation in 1935. Today, its new name points up changed directions and its president, William G. Gisel, is leading the search for new dimensions in writing tomorrow's aerospace history.

Mr. Gisel, who has been president of the company since 1960, joined Bell 20 years earlier as a cashier and rose through the financial side of the business. "So," he says, "I've spent a greater portion of my time in the last ten years in engineering and marketing fields—I could concentrate on those because I was familiar with finances."

Engineering knowledge is vital to Bell, which invents, develops and builds systems and products in rocket propulsion, aerospace components and electromechanical and electromagnetic electronics fields. Currently it has 138 separate, individual programs within those three areas.

APOLLO PROGRAM

Bell has been deeply involved in the National Aeronautics and Space Administration's manned spacecraft program and the U.S. Air Force satellite programs since 1959, when its Agena upper stage rocket engine performed perfectly in the first launching of a Polar orbiting satellite. Since then, the Agena engine has placed a variety of U.S. Air Force and NASA payloads into orbit—more than 300 for the Air Force alone.

Mr. Gisel was an observer at the launchings of Apollo moon missions, watching the performance of his company's equipment assignments which extended from lift-off to splashdown.

Astronauts trained in the Bell developed Lunar Landing Training Vehicle and the Lunar Module Rendezvous Simulator. The Command, Service and Lunar Modules have 31 Bell designed and produced zero-gravity propellant and water tanks. Most critical of all, however, is the Bell designed and developed LM ascent engine, which had to function properly the first time, because, unlike many of LM's other subsystems, there is no back-up ascent propulsion system. It did!

COMPUTER TECHNOLOGY

Under a NASA contract for computer structural analyses to trace and define the thermal and mechanical stresses at some 5,000 key points throughout the intricate framework of the Apollo spacecraft and its modules, Bell applied its expertise in computer applications.

According to Mr. Gisel, "one of the things that most people want to see is a spillover from our space program to solve earthbound problems. And we've done just that as a result of our computer knowhow. In cooperation with the U.S. Department of Health, Education and Welfare we have automated all medical, environmental and sociological files for 8,500 American Indians of the San Xavier and Papago Indian Reservations in Arizona as a pilot program. The system provides physicians, public health nurses and environmental specialists with a single data base that is current, complete and immediately accessible regardless of the location at which the patient is being treated.

"I believe this is an important breakthrough which will ultimately bring better health to everyone in the nation, and it is typical of the innovative thinking we have here at Bell."

Many of Bell's engineering staff of about 1,000 have M. S. or Ph.D.s, usually in aeronautical engineering. "We look for specialists, with growth potential, to handle the interdisciplinary types of innovative projects we are constantly developing here," Mr. Gisel notes. "Our fine New York State universities—Columbia, NYU, RPI, Cornell and the State University of New York at Buffalo, which is becoming a fine scientific institution and we are working very closely with them—provide much of our engineering talent.

"We usually make our judgments on projects as a team decision. I get complete briefings in all engineering areas and query advanced research so I can evaluate it for merit."

Currently, Bell is engaged in research and development in the fields of its expertise for needs a decade hence. For example, it is participating in an experiment designed to determine the technical and operational feasibility of developing an air traffic control system employing a satellite relay. The experiment is being aimed at achieving the improved air-to-ground and ground-to-air communications that will be required simultaneously to monitor and control the 250 aircraft that are expected to be crossing the North Atlantic at peak load periods in the 1980s.

In materials research, the company has designed a test apparatus for evaluating the damaging erosive effects of impinging rain, sand and ice particles upon materials at speeds up to Mach 3. Such information is vital to the development of today's high-speed military and commercial aircraft and tomorrow's supersonic jets.

AIR CUSHION VEHICLES

But one of the projects nearest and dearest to Bill Gisel's heart is Bell's air cushion and surface effect vehicle developments.

"There is no limit to the applications of the air cushion concept," he says enthusiastically. "We can have air cushion landing gear on planes, and make airports, as we know them today, obsolete. Since they are amphibious, the plane could land anywhere there's a relatively flat surface.

"It is one of the most promising developments in surface transportation. ACVs have been demonstrated in San Francisco, where in one year nearly 14,000 people were whisked in direct routes across San Francisco Bay between Oakland and San Francisco Airports and downtown San Francisco. And, of course, the British are using a 177-ton ACV to ferry cars and passengers across the English Channel.

"This development is a classic example of the adaptation of a military development to

solve civilian problems," he adds, pointing out that "Bell's ACV Voyager, being built in Canada, meets the demand for effective, economical transportation—particularly in the Arctic and other not easily accessible areas of the world."

The 25-ton payload of Voyager is equal to that of most transport airplanes now in regular supply operations in the Arctic—but lacking the dependency on weather that limits flights. Because they ride on a cushion of air above the surface, ACVs take ice, snow, water and the tundra in their stride. "Furthermore," Mr. Gisel notes, "the environmentalists will be happy to know that tests show that the low cushion pressure will not affect the ecology of the tundra country."

Bell is currently building for the U.S. Navy, Maritime Administration and Department of Commerce a 100-ton Surface Effect Ship (not amphibious) which will be capable of speeds of 80 knots or more. A prototype of possible ocean going vessels, the craft rides on a drag-reducing cushion of air contained by two side hulls and flexible bow and stern seals.

OTHER ACTIVITIES

The old adage of "let a busy man do it and it will get done" certainly applies to Bill Gisel. In addition to the far flung responsibilities of his leadership of Bell Aerospace, he finds time for an amazing variety of civic assignments.

He is vice chairman, appointed by Governor Rockefeller, of the Niagara Frontier Transportation Authority, which is actively planning for transportation growth in Erie and Niagara counties. After the problems involved in assuring the moon walkers a safe return to their mother ship, the charting of new bus terminals, airports, roads and public transportation must seem relatively easy to implement.

Mr. Gisel is also a member of the New York State Advisory Council for the Advancement of Industrial Research and Development, a group of leaders in science-oriented industries and universities, who meet to survey needs of industry, the capacity of the academic world to fill them, and to make recommendations for new or enlarged programs. "This work is extremely important," he says, "to assure the continued excellence and responsiveness of scientific education in our State."

Other science-oriented affiliations include membership in the Air Force Association, Navy League of the U.S., National Space Club, the National Aviation Hall of Fame, National Defense Transportation Assn., and on the Niagara University Council. He is also a director of the Western New York Nuclear Research Center.

But the outside activity that he enjoys most is his work as director of the Marine Midland Bank-Western and trustee of the Western New York Savings Bank. "Perhaps it's because of my financial background, but these responsibilities give me great satisfaction. Through them I become more involved with affairs in my own local community with the concomitant possibility of influencing events for the better."

THE FUTURE

Mr. Gisel is guardedly optimistic about the near future but completely so for the long haul.

"As I see it, for the next two or three years there will be a plateau in the aerospace business—and in the general economy as a whole—until we make the adjustment to a peacetime economy. Actual growth of the country will continue, but at a very limited rate. After all, no period in the history of man has been as exciting as the technologically dynamic last 35 years.

"After this short hiatus, I believe that we will move forward at an even greater pace, spurred on by the expanding technology re-

sulting from the space program and other research and development funded by the Department of Defense, NASA and other government agencies. My guess is that the effects of this rededication by the government to science and technology in the aerospace industry, and in the fields of environment and oceanography, will prove as rewarding and beneficial to mankind in the next decade as well as Neil Armstrong's 'one giant step' in ours."

PRINCE EDWARD COUNTY, VA., PRIVATE SCHOOL SYSTEM RANKS AMONG HIGHEST IN STATE

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ABBITT. Mr. Speaker, the story of the courageous action of the people of Prince Edward County, Va., in the wake of the 1954 Supreme Court school decision is well known throughout America. Other communities, facing similar problems, have marveled at the success which Prince Edward has achieved in charting its own course in seeking to provide high-standard education for its young people.

Prince Edward was tragically affected by the Court's decision, but its people were determined that a way would be found to educate their children properly, in a manner which would provide for maximum local control. Seeing public education on the brink of ruin, the people of this small county banded together to form their own private educational system, which today ranks among the highest in our State. The parents, dedicated teachers, and farsighted administrators have maintained their high standards of education and have never departed from their original goal.

Eleven years have now passed since the first graduating class received their diplomas in June of 1960. Mr. James J. Kilpatrick, then editor of the Richmond News Leader, had delivered the commencement address to the last class to graduate from the Prince Edward Public High School the year before. It was, therefore, fitting that he was selected to make the address to the 12th graduating class of Prince Edward Academy on June 5, 1971. Mr. Kilpatrick, now a nationally read columnist for the Washington Star syndicate, delivered a splendid address, entitled "My Time Is Your Time."

Mr. Kilpatrick is not only a tremendously effective writer and speaker, but he is as well acquainted as anyone in America with the outstanding job which Prince Edward County has done in upholding a very basic belief—that the best government or education is that which is closest to the people who have the responsibility for its support and execution. These people knew that in charting this course, there would be sacrifices and extraordinary demands. They knew all would not be sunshine, but they were determined to see it through—and this they have done.

This year there were 111 graduates and, of course, 56 had started in the first grade in the private school. During the 11 years, nearly 1,000 young people

have graduated. These young people have gone to colleges all over America and they have done well. They have gone into the world of business, law, medicine, and other fields and they have looked with pride back upon the source of their education.

These are not easy times for our young people. There are many pitfalls, as Mr. Kilpatrick pointed out in his address. He has done an excellent job of describing the times and charting the way. His views are applicable to all sections of America and I commend them to the reading of the Members of the House. His address follows:

MY TIME IS YOUR TIME

(An address by James Jackson Kilpatrick)

One of the first things you should learn, as you prepare for survival in the jungle, is to beware of speakers who begin by saying they will not trespass long upon your time. The lesson to be learned from such a disclaimer is that the speaker always will trespass long upon your time. So if I begin by saying, I will not trespass long upon your time, you are forewarned.

But there is a reason for so beginning. My theme is time—my time, your time, time past, time future, time the river, time the highway, the time that is birth and death, the resurrection and the life. What I mean to suggest to you is the continuum of human existence according to laws as fixed as those that govern the set of real numbers.

In everyday reminiscence—not to mention in commencement speeches—men are fond of saying, "in my time." And the phrase serves well enough for every day. In the larger sense, the sense I ask you to reflect on briefly this evening, my father's time was my time, and my time is equally your time, and so your time will be the time of your children. But the continuum does not begin, of course, with my father's time. Homer's time was my time, and Caesar's time is your time. We live tonight in the time of Christ, in the time of Columbus, in the time of Einstein. If we speak of wars, and if you should ask, "what were the great battles of your time?", I should respond with familiar names: Pearl Harbor, Coral Sea, the landing at Normandy. But in the larger sense, the sense I dwell on this evening, the great battles of my time were also Thermopylae, Agincourt, and Waterloo. What are the great inventions of "my time"? We begin, I suppose, with the lever and the wheel.

The point, thus stated, becomes obvious, and it is nothing novel: You graduates are a part of all the history that has gone before; and you will be a part of all that comes hereafter. You are here—literally and physically here—partly by accident of fate: the children of a given place, a time certain. But you are here in a different sense also, spiritually and metaphysically and intellectually; and these aspects have nothing to do with chance. The river that carries you has carried Rousseau of France and Burke of England and your neighbor from Albemarle, Mr. Jefferson, and they shaped the river's banks. You stand in the shade of the cedars of Lebanon; the great oak of Runnymede still casts its constant shadow. We live, all of us, in *saecula saeculorum*, world without end; amen.

This concept, to repeat, has nothing of novelty in it. "Lord," said the psalmist, "thou has been our dwelling place in all generations. Before the mountains were brought forth, or even thou hadst formed the earth and the world, even from everlasting to everlasting, thou art God." Joseph Conrad sounded my commencement theme at one point in *Heart of Darkness*: "The mind of man is capable of anything—because everything is in it, all the past as well as all the

future." I used to lecture my young associates when they turned in a superbly spread-eagled editorial, to make certain their work was obviously profound, and not profoundly obvious. The concept of time past in time present, I say once more, is profoundly obvious.

Yet I take it up with you this evening for this reason: Among many of our young people in our own immediate present day, the concept seems not obvious at all. A notion has taken root, and in some academic gardens it seems to flourish, that my father's time and my time is no real part of their time—that the past contains little or nothing of value to the present or the future. So the past may be dismissed like a migrant worker, faceless and nameless, hardly more than a bookkeeping entry.

Now, I once was told, and believe it to be true, that the barnyard goose differs in this respect from his great winged brother of the autumn skies, that the barnyard goose has lost his capacity for recollection. He supposes that each dawn the world is born anew. When I peer through the vaporings of some of the prophets of the New Left, I hear mostly the hissing of barnyard geese. Their message is destruction: the tearing down of the old. If this were but the first part of their message, the preface as it were, we should want to withhold judgment, for the process of growth, in any age, is in part a process of destruction. But this appears to be the whole of their message. Tear it down! There is no more. One waits in vain to be told of plans, structures, new ideas to replace the toppled institutions. One hears only the angry and insolent hissing.

I would exhort you to something better than the vain-glorious strutting of the barnyard goose. This evening brings you to one of the perceptible bends in the river. You have yet a while to go. At the turn of the century, your time, as we necessarily reckon these things, will be very close to my time tonight. You will be 50, more or less. At first glance, it may seem a thought to depress you; but you may discover—I hope you do—that being 50 is lots more fun than being 19.

What are you going to do with "your time"? Over the course of these next 29 years, you will be making decisions, public decisions and personal decisions, and you will be making them on many questions peculiarly in the context of "your time" as contrasted with "my time."

We can see the form, if not the particular substance, that many of these issues will take. There is the problem of sheer numbers of human beings. Your world, when you are 50, will be a deal more crowded than my world is at 50; and these sheer numbers of human beings will have compelled some profound changes in the style and quality of your life. They may also have compelled certain political changes around the world. When one of you returns to Prince Edward Academy to address the Class of 2000, it is entirely probable that he will address himself to a vastly different social and economic structure.

The problem of numbers goes beyond mere demography. For we are not dealing with abstract numbers, but with human beings of flesh and blood. In undertaking to impose some orderly limit upon the population growth of your time, you must face certain moral and ethical decisions of great importance: The Pill, that is to say; abortion; the intervention of the state into the size of families and the rearing of children.

Halfway down the road to 2000, we will pass the symbolic 1984, and in some ways the symbol may come sooner than we think. With every month that passes, biologists and geneticists are picking at the lock that guards man's greatest temple; and they hear the tumblers falling. Already work is far advanced upon the "test-tube baby," upon the transplantation of genes, upon the decoding of the impenetrable code. Already we have

been compelled to face—perhaps we have merely turned our heads away—the moral and ethical implications of the heart transplant. Such surgery has become almost routine. We accept it. Your problem will be rather more difficult: Your problem will arise when the surgeons of your time, masked and gloved and gowned, first transplant successfully the human brain.

In these realms, at least, we tread close upon God's realm—or upon what has been so described. Some of your other decisions will be less awesome. What do you propose to do, in your time, with television, the computer, and the evolving technology of data retrieval? It is not necessary to explore the whole domain of Dr. McLuhan's often misty philosophy in order to grasp the main landmarks of this thought. He submits, and many wise men agree, that we are now embarked upon a change in the process of communication that is not a change merely of degree, but a change of kind. So the world changed, in kind, when written speech evolved from spoken speech, and again when movable type revolutionized the art of printing: Out of darkness there came light. So, too, with television now. When I was a boy, early on in my time, my "perceptual boundaries"—the phrase is McLuhan's—were limited to the streets and walks and alleys of the little world I knew. At 5, or thereabouts, I perceived—I knew and recognized—the 2200 block of Northwest Eighteenth Street in Oklahoma City, Oklahoma, U.S.A. Today's child, trotting off to the first grade, has wholly different perceptual boundaries: He has witnessed, if the surveys may be believed, some four thousand hours of television; and these hours have influenced not merely his boundaries of perception, but his realms of imagination also.

This is a part of what McLuhan means when he insists that "the medium is the message." These fantastic devices of communication are themselves communication, acting subtly—even insidiously—on our thought and action. The impact of network television is not the exclusive concern of Mr. Cronkite and Mr. Agnew. It must be the concern of all of us, and especially of all of you—in your time.

The same considerations apply, of course, to the marvelous new tools of the computer. It is a part of one's understanding of time to understand that the art of invention, at any given moment, stands forever at the crank of a metaphorical Model T. When your time is my time, you will look upon the computers of 1971 as we today look upon Mr. Ford's miracles of 1927. It is impossible for me to say what these astonishing machines will mean in terms of personal privacy, in terms of crime detection, in terms of industrial processes, in terms of the changing nature and locus of work—but it is not impossible for you to say. On the contrary, it will be both possible and necessary for you to say: You will say it for your time, which at some point will no longer be coincidentally my time; and whatever you say, you will be saying for a time future, for your children's time, and for their children's time.

You will want, I hope, to make wise decisions. To the extent that these decisions involve matters of public policy, you will want to decide, as it is said, "in the public interest." And your task will be to divine the public interest, which often turns out to be something more than the balance obtained by adding this and subtracting that. When you act in the name of the public interest, you will be acting in part as trustee—as trustee of the residual estate of my time, and my father's time, Burke's and Madison's and Jefferson's time. It is in the public interest—I would hope you would conceive it so—not to hack down the oak of Runnymede and to plant synthetic shrubbery in its place.

The same general considerations apply, I believe, to the largely personal decisions you will be making for yourselves, in your time—

decisions that go to the manifestations of love, to the integrity of your bodies, to marriage and home and church and family. If these decisions do not fall in the area of a public trust, they constitute a private trust; and you will not make them wisely without some regard to the enduring lessons of God's time.

In all this, your concern will be in large part with relationships—the relationship of man to the state, and the relationship of man to man. You will want, in the first area, to seek an understanding of freedom and of power, and such an understanding cannot be sought, in the fashion of the barnyard goose, by regarding freedom as a concept of this morning or power as the invention of last night. These are the forces primeval. They are never to be perfectly, but only generally understood. The struggle between freedom and power is part of the continuum. So, too, with the nature of man—his capacity to love, his capacity to hate, his complex ability not only to be kind, but also to be cruel.

The whole purpose of education, at bottom, and you will understand that I mean education in the broadest possible sense, is to put you next to the great and achieving principles, to offer you the benefit and the guidance of the centuries, and to hope that you profit from the wisdom and the folly of all that has gone before. To that continuing education, I commend you; and I will not trespass longer on your time.

DEATH OF LT. GOV. J. SARGEANT REYNOLDS OF VIRGINIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 18, 1971

Mr. BYRD of Virginia. Mr. President, last Sunday, June 13, Lt. Gov. J. Sargeant Reynolds of Virginia died in New York City.

Lieutenant Governor Reynolds accomplished a great deal in a short life of 34 years. The tragedy of his death is compounded by the fact that he was so young and had so fine a future.

The June 15 edition of the Harrisonburg Daily News-Record included a fine editorial on the death of Lieutenant Governor Reynolds, pointing out that "he has set an example in sickness and in health for others to follow."

I ask unanimous consent that the text of the editorial, "A Reynolds Legacy," be printed in the Extensions of Remarks.

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

A REYNOLDS LEGACY

The death of Lt. Gov. J. Sargeant Reynolds, now being mourned by thousands of Virginians, has in it a lesson of life that should not be lost in the tragedy of the untimely event.

It is a lesson of courage. Informed late last summer that he had a brain tumor, the youthful lieutenant governor returned from a New York hospital with a renewed zest for public service that bespoke hope and confidence, thanksgiving, not self-pity.

In interviews, in public appearances, the ill Sargeant Reynolds had one pervasive message in his utterances—it was for all of us to live life to its fullest, to savor each moment and to use it to good advantage. It was addressed to old and young alike because as Mr. Reynolds noted, "time is our greatest enemy."

Sergeant Reynolds, dead at 34, used time as an ally in molding a remarkable political career that spanned less than a decade. He used his moments in service to his state. He has set an example in sickness and in health for others to follow.

THE EMMY AWARDS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GUDE. Mr. Speaker, a distinguished broadcast newsman was recognized Saturday when Joseph McCaffrey was presented the Ted Yates Award at the Washington area's Emmy Awards banquet.

As Senate Majority Leader MIKE MANSFIELD said at the banquet, Mr. McCaffrey digs out the news and presents it fairly and interestingly—the three facets of a well-rounded newsman. He is relied upon by the public, and by Members of Congress as well.

Mr. McCaffrey works for WMAL here. Members of Congress should also be pleased that public, noncommercial broadcasting won a large share of the local awards. Here is an account of the awards banquet from the Evening Star:

THE EMMY AWARDS
(By Bernie Harrison)

That was a subdued, civil local Emmy Awards banquet Saturday night at which 21 Emmies and six citations—still far too many—were distributed for the past year. Once again, it adds up in the main to a certification of the competent and, for viewers, continuing bewilderment. How do voters select, as superior, a program which is in essence distressingly similar to competitors?

Everybody was markedly polite, including WRC's Julian Barber who, as host, had occasion to applaud only one WRC winner (Bill Leonard's "Perspective"). WTOP also won only one Emmy, an individual one to Norman Davis for a half-hour editorial, "Money, Morality and Politics."

The voters missed an opportunity to provide a note of irony by failing to award an Emmy to nominee Carol Randolph, the co-star of WTOP's "Harambee," whose dismissal from the show (Also nominated) has prompted vigorous protest by the black community.

Carol didn't attend. I spoke to her on the phone Saturday and she made it clear she wasn't angry. But in view of the circumstances, she thought it best not to go. She'd rather land another TV job, she said, and didn't want to give anyone the wrong impression.

The major awards went to WETA-26, WMAL-7 and WTTG-5.

For Bill McCarter's WETA, it was the second year in which the largest number of Emmies went to the public television station. And that's as it should be. The "Newsroom" program, however, an experimental in-depth news show, wasn't one of them. The winner in this category was WTTG's "Ten O'Clock News." The bulk of WETA awards went for one of the best entertainment programs ever done here, "The Unicorn, the Gorgon and the Manticore." It also won for "Celebrate a Book," and the Board of Governors' award went to McCarter.

WMAL won in several of the most important categories, for its public affairs documentaries, "In White America" and "Fortress City." Joseph McCaffrey, the Veteran WMAL

newsman, also won the coveted Ted Yates award.

WTTG could bask in the glow of two major Emmies, one for the "Ten O'clock News," the other for "Panorama."

The Emmy for best independent production went to Phil Martin's Allied Motion Picture Center, for "Where To?," and the Northern Virginia Educational Association also picked up an Emmy for a program, "Everybody's Different."

Table talk at the banquet focused on speculation over WTOP management changes. One of the presenters was John Corporon, WTOP vice president, who would tell me only that there has been a realignment of responsibilities among station executives.

There was a footnote to the Carol Randolph hassle at the station last week. A WTOP employe, Auttameese Boatwain, a niece of the Rev. Ralph Abernathy, has filed a complaint with the D.C. Human Relations Commission, charging discrimination. Hired as executive secretary, she said she was demoted in status and responsibility on June 3.

A BILL DEVELOPING A COMPREHENSIVE PROGRAM FOR TREATMENT OF DRUG ADDICTED VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the drug abuse bill which I am introducing will accomplish three basic purposes:

First. It will establish an orderly procedure for the Veterans' Administration to cooperate with Armed Forces in treating members of the Armed Forces with drug addiction problems.

Second. It will provide that the Administrator may receive and treat ex-servicemen on the basis of commitment from Federal courts. It is expected treatment of most of these types of patients will be accomplished through the use of contract beds at the National Institute of Mental Health facilities at Fort Worth and Lexington, Ky. These organizations are presently engaged in the treatment of narcotic addicts. The Veterans' Administration has maintained a cooperative contract relationship at these two locations for many years. By maintaining lease facilities at Fort Worth and Lexington, the VA would have an immediate treatment capacity to receive and treat military addicts and ex-servicemen addicts where the individual is under charges and must be restrained.

Third. The most important provision of the bill is the provision which clears up the confusion about honorable and dishonorable discharges and eligibility for treatment for drug addiction. At the present time an individual with an honorable discharge who becomes addicted after separation from service is eligible for treatment in a VA facility. An individual who may have actually developed drug addiction in service but escaped detection and was given an honorable discharge is also eligible for treatment in VA facilities. However, a serviceman who is detected as an addict in service and is involved in other irregularities may receive a dishonorable discharge and

may not be eligible for treatment in a VA facility.

There has been a great amount of confusion as to who is eligible for treatment leading to calls for amnesty and changes in the discharge policies of the Armed Forces. With the enactment of this bill, this confusion will be cleared up and there would be no reason for disrupting the discharge policies of the Armed Forces because the legislation under consideration would authorize the Veterans' Administration to treat any serviceman or ex-serviceman with an addiction problem regardless of the type of discharge he holds or other legal problems he may have as a result of violation of other laws.

Some of the confusion seems to result from the thought that Veterans' Administration treatment for drug addiction is a benefit or a reward for service. Obviously it is not. With enactment of the proposed legislation the Veterans' Administration would be authorized to treat any veterans with an addiction problem not as part of a veteran benefits program, but in the general public interest, and in an effort to protect society from crime and abuse by drug users.

The Veterans' Administration has medical facilities in every large community in America, it is the largest single medical system in the world with a staff of 5,000 full-time doctors. It has a bed capacity of over 115,000 beds and is affiliated with most of the Nation's medical schools.

The Veterans' Administration has had a great deal of experience in vocational rehabilitation and has a large and well trained staff of psychiatrists, psychologists and social workers. Obviously there is not a great deal known about the treatment and rehabilitation of addicts, but certainly the Veterans' Administration is the best equipped agency of the Federal Government to meet this problem and it is obvious that the problem is going to be with us for a long period of time.

The latest check with currently operating VA drug centers indicated that over 100 veterans who had applied for drug abuse treatment are on the waiting list. What does a drug addict do when he is on a waiting list for treatment for drug addiction?

The bill will in no way interfere with current administration planning to set up a special agency in the Federal Government to deal with the national narcotic problem.

The Veterans' Administration medical program has a proud record of major breakthroughs in many areas of medical science and I believe that with their facilities and know-how they can make a major contribution to overcoming the drug crisis in our Nation if they are given the funds to do so.

THE FLAG

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEITH. Mr. Speaker, in the past few years it seems as if patriotism has

become an unfashionable emotion. The voices of our critics drown out those who maintain a quiet pride in the Nation. In recognition of the many proud Americans who express continuing faith in our country I submit a statement issued by the members of American Legion Post 220 of Wareham, Mass., which honors the American flag and all for which it stands.

We can know America through our flag which is its symbol. In our flag the barriers of time and space vanish. All America that ever was and ever will be lives in every moment in our flag.

Understand that our flag is not the cloth but the pattern of form and color manifested in the cloth.

History has made it sacred. The honor paid it in uncounted acts of individual reverence has made it live, and so the pattern lives and it can manifest itself in any number of bits of perishable cloth, but the pattern is indestructible.

Alone of all flags it represents the sovereignty of the people, which endures when all else passes away. He who lives under it and is loyal to it is loyal to truth and justice everywhere.

He who lives under it and is disloyal to it is a traitor to the human race everywhere. What could be saved if the flag of the American nation were to perish?

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

CHILDHOOD LEAD POISONING— TESTIMONY OF DR. EDMUND O. ROTHSCHILD

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RYAN. Mr. Speaker, Dr. Edmund O. Rothschild appeared yesterday, June 17, before the House Appropriation Committee's Subcommittee on Labor-HEW, chaired by the distinguished gentleman from Pennsylvania (Mr. FLOOD), to testify in support of funding the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695.

Dr. Rothschild is particularly well qualified to testify regarding childhood lead poisoning, whose extinction is the aim of the act. He is an assistant attending physician at the Memorial Hospital for Cancer Research, an associate at Sloan-Kettering Institute for Cancer Research, and an assistant professor of the department of medicine, Cornell University Medical College. In addition, Dr. Rothschild is a member of the board of directors of the New York City Health and Hospitals Corp. of the city of New York, and a member of the board of directors of the New York Scientists' Committee for Public Information, which has been a particularly active organization in bringing public attention to focus on childhood lead poisoning.

Dr. Rothschild presented what I believe to be a particularly compelling case for the funding of the Lead-Based Paint Poisoning Prevention Act. In the course of his testimony, he stated:

The passage of this law indicated a recognition of the seriousness and magnitude of this problem and encouraged physicians in all areas of this country who agree that lead poisoning is a serious major epidemic. In this setting it is with great dismay that I appear here today before the Appropriations Committee to discuss this problem with you.

The failure of the Congress to appropriate the \$30,000,000 under this legislation is, to say the least, shocking. I am not a politician, but a physician; however, there are times when it becomes necessary to speak out in political terms. It seems to me that the failure to fund this program to the total extent permitted by law would be an act of murder by neglect . . .

Dr. Rothschild is right. The Lead-Based Paint Poisoning Prevention Act must be fully funded. The children are waiting.

Dr. Rothschild's full testimony follows:

TESTIMONY OF EDMUND O. ROTHSCCHILD

Congressman Flood, Ladies, and Gentlemen, I wish to thank the members of this subcommittee for the opportunity to testify with regard to Public Law 91-695 of the 91st Congress, the "Lead-Based Paint Poisoning Prevention Act". My name is Edmund O. Rothschild. I am a physician trained in internal medicine and involved in research, teaching, and practice. I am an Assistant Attending Physician at The Memorial Hospital for Cancer and Allied Diseases, an Associate at Sloan-Kettering Institute for Cancer Research, and Assistant Professor of the Department of Medicine, Cornell University Medical College, a member of the Board of Directors of the New York Health & Hospitals Corporation of the City of New York, and a member of the Board of Directors of the New York Scientists' Committee for Public

Information. I would like to make a brief presentation of some salient points with regard to the legislation under consideration today.

Lead poisoning is a serious sometimes fatal illness of known cause readily diagnosed, treated, and completely preventable in most cases. From a clinical point of view, the disease presents itself in a rather nonspecific way. Patients may have gastrointestinal symptoms including loss of appetite, constipation, nausea, vomiting or abdominal pain. The central nervous system is frequently involved with the patient being irritable, confused, lethargic and in some instances lapsing into coma and developing convulsions.

These symptoms are so nonspecific that patients are frequently undiagnosed when presented with the milder group of symptoms. This is one of the tragedies of the disease, in that, both parents and physicians frequently will overlook these relatively minor symptoms until the child presents with more serious findings. It should be stressed that of those children who present with brain symptoms, 25-40% will suffer permanent severe brain damage.

Lead enters the body by a number of routes. It can be inhaled when it is in a vapor or particulate form. In certain compounds it can be absorbed through the skin and this has resulted in the past in industrial poisoning. Most commonly in the case of young children who are seen with the disease today, it is a result of chips of contaminated paint and plaster from walls and woodwork of deteriorated housing. Lead-based paint was the high quality paint in widespread use until the 1940's. It has subsequently been replaced by nontoxic titanium based paints. No one knows why some children will eat paint and plaster. This phenomenon known as pica or the eating of non-food objects is quite common in all socioeconomic groups and does not seem clearly associated with any one factor such as hunger, lack of parental attention, etc. A chip the size of a thumbnail taken daily over several weeks can lead to serious poisoning and even death. Once the lead has been absorbed in the body, it circulates in the blood and is deposited in all tissues. Its effects on the body are not completely understood in all instances, but a great deal is known. Lead poisons certain enzyme systems, particularly those involved in the manufacture of hemoglobin necessary for red blood cells. Enzymes are the chemical catalysts of the body which are essential to the functioning of all life processes. One of the most sensitive ways to determine the effect of lead excess in the body is to measure some of these enzyme functions as they decrease with increasing lead. In addition, one can also measure by-products of the interrupted enzyme functions.

Lead poisoning as recognized in the United States today primarily affects children between the ages of 1 and 6 living in deteriorated housing. Surveys in New York, Chicago, Baltimore, and Philadelphia over the years have shown that between 5 and 10% of these children are poisoned. In some housing units, as many as 20% of the children have been poisoned. Those who are diagnosed and treated, when returned to their uncorrected housing situation will frequently be re-poisoned. Brothers and sisters of these children are frequently poisoned. The best existing program for the detection and treatment of lead poisoning currently is underway in New York City. Two million dollars have been allocated for this program during the present fiscal year. As a result of an intensive effort, over 87,000 blood samples have been analyzed from somewhere in the neighborhood of 80,000 individual children. Ten percent of these specimens have had lead levels of 0.06 mg/100 gm or higher. This level is well recognized as

requiring treatment and is diagnostic of lead poisoning.

Follow up on this program includes inspection of the home with determination of lead sources on the walls and woodwork. In addition, the Board of Health of the City of New York has mandated that the leaded condition be repaired. The City Council has provided tax incentives for the landlord. If the landlord fails to comply, the Bureau of Lead Poisoning can and does proceed with repair of the home and the landlord is subsequently billed. While the housing aspects of this program have been slower in getting started than the detection aspects, the effort is seriously underway. Dr. Vincent Guinee, of the New York City Lead Poisoning Bureau has submitted testimony with regard to the details of the experience in New York City. It should be mentioned that this program is aimed at detecting children who are already poisoned. Its preventive aspects lie in the fact that children with definitely elevated but not yet seriously elevated blood lead levels are detected by this method.

Potentially, these children could be protected by education of the family and repair of the home. A disturbing fact that can not be emphasized sufficiently is that a number of children in New York City who give no history of ingestion of leaded materials have been found to have above normal blood lead levels. These include children from non-ghetto areas and many of whom are white from middleclass backgrounds. Thus it would appear that these children are getting lead from other sources than paint and plaster. In many cities this raises the serious possibility that this disease will be found with increasing frequency in non-ghetto residents. The seriousness of this finding can not be underestimated. Recent studies of seventy-seven midwestern cities presented last year at the University of Missouri indicates significantly elevated lead levels in dust and air in cities as small as 100,000. Thus it appears that the problem of lead poisoning from other sources may be identified in these areas if looked for. Similarly, a U.S. Public Health Service survey of lead in the atmosphere in Los Angeles, Cincinnati, and Philadelphia reveals significantly higher mean blood lead levels in these cities. Recent reports of the death of a leopard in the Staten Island Zoo and subsequent findings of markedly elevated blood lead levels in the animals exposed to the air in this zoo should serve to point up this fact. Since these cats clean themselves by licking their fur they may serve as an early warning of the potential danger to young children from all economic classes in this country.

The exact extent of lead poisoning in the United States is unknown. Estimates crude as they are of excess of 200,000 children have been calculated based on the known figures about the housing and demographic information. It is not unreasonable to estimate that the disease may result in the death of hundreds of children a year and permanent institutional care of possibly up to 1,000. Just from an economic point of view aside from the human tragedy, it has been calculated that the care of a child in an institution from the onset of this illness until his death may cost over \$100,000. Moderate to severe brain damage is estimated to occur in somewhere between 3,000 and 5,000 children in this country per year.

I should stress the fact at this point that the extent of the disease in this country is not known. A study conducted by the New York Scientists' Committee for Public Information based on a survey of the health departments of all fifty states and thirty-five cities in this country is submitted as an appendix to my testimony. This study completed in December, 1970 shows that the disease was reportable in only thirteen states and six cities, and in a number of these only occupational poisoning was reported. Report-

ability is of significance as it indicates recognition of a public health problem. It should also be mentioned that in the replies from the majority of states and cities there was an indication on the part of public health officials of a knowledge of the problem and a strong desire to begin programs directed towards the detection, treatment, and prevention of this disease. In November, 1970, the Surgeon General of the United States Public Health Service, Dr. Jessie Steinfield, issued a report on the medical aspects of childhood lead poisoning. It was the Public Health Service recommendation that screening programs for the prevention of lead poisoning in children be instituted. He said that it was urgent that more cities establish programs to locate and treat children who are suffering from lead-based paint poisoning and to remove the source of lead from their homes to prevent re-poisoning. He said, "A growing body of data from studies in many cities has established beyond doubt that lead intake by children from paint, particularly in the slums of the cities, is an important and widespread problem." His estimate of the number of children with dangerously elevated blood lead levels was as high as 400,000. If not otherwise included in the testimony before this committee, I submit the Surgeon General's report to be included.

Against this setting and as a result of a study by the committees of the House and Senate, the law under consideration today was enacted and signed by the President. The passage of this law indicated a recognition of the seriousness and magnitude of this problem and encouraged physicians in all areas of this country who agree that lead poisoning is a serious major epidemic. In this setting it is with great dismay that I appear here today before the Appropriations Committee to discuss this problem with you. The failure of the Congress to appropriate the \$30,000,000 under this legislation is, to say the least, shocking. I am not a politician but a physician; however, there are times when it becomes necessary to speak out in political terms. It seems to me that the failure to fund this program to the total extent permitted by law would be an act of murder by neglect.

The obscure recommendation of the Secretary of Health, Education, and Welfare, Mr. Elliott Richardson, to appropriate \$2,000,000 in the coming year to this program, defies polite criticism. Indeed, in my opinion, his recommendation is so contrary to the public interests in the matter of this major health problem, that I, for one, see it as grounds to call for his dismissal from his post. It seems to me by his action in this matter that he has failed in his sworn obligations to protect the health of the citizens of this country. This is even more shocking when one considers the fact that the victims of this disease are helpless young children who cannot protect themselves. Mr. Richardson's recommendation is contemptible and murderous. The opportunity remains, however, for you, gentlemen, and your colleagues in the Senate to act in the public interest. I urge you at this point to take positive action and recommend appropriation of the entire amount of \$25,000,000 that your committee can support under this law. This is a matter of the gravest importance. To quote Rene DuBos at the National Conference on Lead Poisoning held in March, 1969:

"The problem is so well defined, so neatly packaged, with both the causes and the cures known, that if we don't eliminate this social crime promptly, our society deserves all the disasters that have been forecast for it."

I urge you to consider this issue as seriously as you will consider any other before you. I further urge you to review with your own health officers in your states and cities their attitudes toward this problem. I am

sure you will find that they will acknowledge the facts as stated above and having done this that your decision to support this authorization will be favorable. I thank you for your attention and will be pleased to answer any questions you might have for me.

FEDERAL FUNDS NEEDED FOR PITTSBURGH'S CAMPAIGN TO HALT LEAD-PAINT POISONING

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MOORHEAD. Mr. Speaker, much national concern has been registered recently on the effects of lead-paint poisoning, particularly in children, and particularly in low-income and ghetto neighborhoods. This is intolerable.

I am very pleased that important efforts are underway in my city of Pittsburgh to correct this situation, requiring immediate Federal help.

It is estimated that there are 400,000 children in the United States today with undue blood lead levels: 16,000 requiring immediate hospitalization, 3,200 with severe brain damage, 800 who will need permanent care.

While Public Law 91-695 authorized over \$8 million from HEW and \$1 million from HUD, nothing was appropriated last year, and a supplemental request was turned down. The fiscal year 1972 budget authorizes over \$20 million, yet I am advised the administration plans to request only \$2 million. This will not do the job.

If Pittsburgh and other cities are to end this alarming problem which is killing and maiming our poor children, full appropriations must be granted.

I include an article from the Christian Science Monitor of June 9 in support of my remarks and for the thoughtful attention of my colleagues:

PITTSBURGH MAPS CAMPAIGN TO HALT LEAD- PAINT POISONING

(By Samuel L. Spatter)

PITTSBURGH.—Parents in slum areas here may be getting new help in protecting their children against lead-paint poisoning—a malady that affects some 400,000 youngsters in the U.S. annually.

Health and housing officials here are taking steps to draft legislation and apply for federal funds aimed at removing lead paint from houses.

Three subcommittees, established by an ad hoc Code Enforcement Advisory Committee, are scheduled to report to the officials June 15 on efforts to work out details of a prevention program.

Action was prompted by Sholom D. Comay, Pittsburgh Housing Court magistrate, who became alarmed when cases heard in his court often involved families with children ill or suffering serious damage from poisoning.

SLUM HOUSES INVOLVED

Judge Comay found that most of these cases involved older houses in the city's slum areas.

He also learned that there is equipment available to detect the presence of lead paint in a house and that removal of this paint costs from \$600 to \$1,200. But since these houses are owned or rented by families that cannot afford to pay for the removal, federal help is needed.

Supporting the efforts are Dr. Charles L. Winek, chief toxicologist, County Coroner's Office, and Dr. Richard W. Moriarity, director, poison center, Children's Hospital.

Dr. Moriarity said his staff conducted a survey in the largely black area of Homewood-Brushston in the city during which 24 to 27 children had been tested. Six children, aged from one to three years, had elevated lead levels, he says.

When his staff studied 35 children in one of the city's public-housing communities, on the other hand, it found they had normal lead levels.

His agency plans to do some pilot work in the city's North Side area starting July 1. Four other hospitals will join his staff in screening about 700 youngsters in the Head Start Program to determine lead levels. His staff will also institute a program of treatment and do a statistical analysis on the area.

FUNDS ALLOTTED

Meanwhile, the county's laboratory will test houses in the area for the presence of lead.

Judge Comay said a federal law provides for grants of 75 percent to help a local government pay the cost of developing and carrying out a program for detection and treatment of lead-paint poisoning.

The act also provides federal grants for establishing programs to identify high-risk areas. Once identified, programs will be initiated to eliminate them. He said this would mean drafting amendments to the county's health codes.

A member of the county health department, Albert Brunwasser, said he found a field device to detect lead paint, but that it would cost about \$4,250 to send a team of inspectors through the city with the device.

Until now, said Mr. Brunwasser, his agency has taken chips of paint from suspected surfaces to the laboratory and used special equipment to determine their lead contents.

REIMBURSEMENT OF FUNDS FOR WYOMING INDIANS

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. RONCALIO. Mr. Speaker, today I am introducing a bill to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyo., for tribal funds that were expended to benefit only individuals in the construction operation, and maintenance of the Wind River Irrigation project. A total amount of \$75,827.84 of tribal funds has been so expended and not reimbursed to the tribes.

Precedent has been set for congressional action to reimburse Indian Tribes for tribal funds expended on individual, as opposed to tribal, irrigation costs. Most recently the Ute Tribe of the Uintah and Ouray Reservation in Utah was reimbursed for tribal funds expended on the irrigation project on that reservation, as authorized on September 18, 1970, Public Law 91-403, 84 statute 843.

The joint business council of the Shoshone and Arapahoe Tribes, Wyoming, has adopted a resolution seeking enactment of this legislation, and I am hopeful the 92d Congress will see its way clear to dispense with the matter justly and promptly.

CHILDHOOD LEAD POISONING—ENVIRONMENTAL ACTION SUPPORTS FUNDING OF LAW

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RYAN. Mr. Speaker, Environmental Action is one of the leading organizations in the Nation seeking to arouse public concern about the degradation of our environment. While we often think of ecological depredation in terms of the destruction of our forests and wildlife, the quality of life of our cities is of equal concern to anyone attentive to the issue of the environment in which we live.

Environmental Action has issued a statement urging full funding of the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, whose aim is to mount a Federal assault on childhood lead poisoning, a disease clearly stemming from the deplorable environment in which so many children of our Nation are sentenced to grow up. This disease accounts for the mental retardation of 3,000 to 6,000 children a year. It sentences 800 children a year to permanent institutionalization as virtual mental vegetables. It kills 200 youngsters a year.

Childhood lead poisoning is preventable. What is needed is a firm commitment to accomplish its eradication. To implement this commitment, money is needed. The Lead-Based Paint Poisoning Prevention Act authorizes funds for screening, treatment, and eradication programs. Its funding is essential. As the statement of Environmental Action urges:

There is a chance to appropriate the full \$30 million: for community education and screening programs, \$10 million; for detection and removal of lead paint, \$15 million; and for Federal research, \$5 million. Let's not allow lead poisoning to continue in epidemic proportions.

The complete statement of Environmental Action follows:

CHILDHOOD LEAD POISONING

Environmental Action urges Congress to appropriate the full \$30 million authorized for the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, for Fiscal Year 1972. This legislation was first introduced by Congressman William F. Ryan of New York in March, 1969; hearings were eventually held in August, 1970; and the act finally signed into law—over HEW's recommended veto—on January 13 of this year. Still no budget request was made for this year, though \$10 million was authorized. The Senate did provide \$5 million for lead poisoning prevention in the 2d Supplemental Appropriations bill for 1971, but this provision was defeated in conference, and the bill signed into law on May 25 without any funds appropriated for lead poisoning.

Unfortunately, while funds have been stopped at every turn, poisoning of young children from ingestion of lead paint has not. A recent HEW report estimates that for any given year, 250,000-400,000 children have elevated blood lead levels of 40 micrograms per 100 milliliters of blood or greater; 3,200 will suffer moderate to severe brain damage requiring special treatment and/or education; 800 will experience permanent brain

damage requiring institutionalization; and 200 will die. New York City's poison prevention program estimates that the 2,649 cases of lead poisoning diagnosed last year represent only one-third of the cases in the city.

Virtually all of the patients diagnosed are children aged 1-6 who live in delapidated inner city slum buildings where lead-based paint still peels from the walls. The urge to pick up and to taste non-food items is particularly common to young children, who will eat the sweet-tasting paint chips that fall within their reach. However, in newer sections of the cities, lead-based paint has usually been replaced, well covered over, or not used in the first place. At least this is the assumption behind the few screening programs for lead poisoning that exist.

New discoveries might prove that high blood lead levels and cases of lead poisoning are much more widespread than the existing statistics as critical as they are indicate. Poisoning of one 20-month old child who was in the habit of chewing pencils led New York officials to the discovery that 30 percent of a random sampling of pencils sold in that city were coated with lead paint. The death of one leopard and paralysis of its twin in the Staten Island Zoo led a team of physicians and vets to the discovery that the leopards and other animals in the zoo had abnormally high blood lead levels. Dust, dead rodents and paint within the zoo all revealed high lead levels and zoo officials are hoping to replace paint with tiling in the near future. Furthermore while paint companies have an understood agreement not to make interior paints with greater than 1 percent lead content there is no existing federal law which outlaws such paint or requires its removal from interior surfaces. A recent study of 16 brands of interior paint revealed four to have a 1 to 3 percent lead content with no labels to that effect.

Keep in mind that these discoveries were made in New York City where, a lead poisoning program is already underway. Chicago has another extensive screening program where children are picked up, taken to a center for a blood test, and returned to their homes. Baltimore, Rochester, and New Haven also have working pilot programs, but countless other major cities have not even begun to screen their slum areas, and testing in small communities is virtually non-existent.

If reports on lead poisoning pale in comparison to the number of cancer victims and fatalities recorded each year, it is because existing screening programs for lead poisoning can only reach the crucial areas and crucial cases. Programs in New York and Chicago show that as high as 5 to 10 percent of the children who are reached have an excessive amount of lead in their blood and tissues and 1 to 2 percent show symptoms of clinical lead poisoning. While Surgeon General Jesse Steinfeld has recommended that 40 micrograms of lead be considered a high blood lead level, New York's statistics are based on surveys which exclude children exhibiting blood lead levels below 60 micrograms.

Slum children are used to being silent and unheard; they are one of the most neglected groups in our society. And if the fate of these children is undramatic enough to stir little attention, the initial symptoms of lead poisoning are equally so. Listlessness, loss of appetite, irritability, even anemia could all be reactions to the slum environment. Only when a child begins to vomit continuously or goes into convulsions will the parents know that he is seriously ill. By that time, it is likely that some brain damage will already have resulted, and, according to Dr. Julian Chisolm of Baltimore's City Hospital, 40-50 percent of those with brain damage will remain permanently damaged despite treatment. Yet these children still do not have the voice, precedence, or influence to

command badly needed funds comparable to the additional \$100 million the Administration is requesting for cancer research in Fiscal Year 1972.

In fact, what Secretary Richardson of HEW is requesting is a piddling \$2 million for lead poisoning. This is supposed to indicate "a concerted effort" on the part of the administration. Furthermore, Richardson has suggested that these funds be applied to just two or three cities. The problem at hand is that programs are already only limited to a few cities and there are many more that must be reached. Richardson's own department has received specific requests for \$ million worth of aid and additional requests estimated to total to more than another \$20 million.

In the face of such requests, \$2 million out of a possible \$30 million can only be an appalling joke. Dr. Vincent Guinee, head of New York's lead poisoning program, told Environmental Action that "\$2 million would be about right for New York City." Other directors agree. Dr. Chisolm said he thought that "very little will arrive in the field."

The tragedy is that while it would not take much to prevent lead poisoning entirely by removing and banning all lead-based interior paint and greatly extending screening programs, it does not take much for lead poisoning to continue either. Dr. Chisolm estimates that three to five paint chips ingested daily can give a child lead poisoning in three months time.

Don't let \$100 million in extra appropriations for cancer research become an indication of satisfactory health programs in this country. A \$2 million token for lead poisoning research will not even begin to curb a fatal disease which could be entirely eliminated if the emphasis were on total prevention rather than scanty treatment.

There is a chance to appropriate the full \$30 million: for community education and screening programs on lead poisoning \$10 million; for detection and removal of lead paint, \$15 million; and for federal research, \$5 million. Let's not allow lead poisoning to continue in epidemic proportions. Anyone who is realistically aware of the problems and negligence in our inner cities will support Congressman William F. Ryan's unrelenting plea for full funding of the Lead-Based Paint Poisoning Prevention Act.

DEPENDENCY?

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MANN. Mr. Speaker, a small clue as to one of the effects being created by the foolish efforts of the Federal Government to "take care" of everybody is found in a news article in the Washington, D.C., Evening Star of Tuesday of this week, June 15, 1971.

In a front page article headlined, "No Right Job," staff writer Duncan Spencer tells of a veteran who is not satisfied with the quality of the jobs available to him. More significant, however, are the following statements in the article:

Syphax (an Employment officer) estimates that a constant pool of about 2,000 unemployed veterans is now looking for work here. About half that number are men from out of state who have come here because they believe that if there's a job to be had anywhere, it's here where the government is.

Many also come with the mistaken belief that the government will hire them if no one else will.

Yes, only a small clue—like the small cloud—no bigger than a man's hand.

TRAGEDY IN PAKISTAN

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GUDE. Mr. Speaker, it is a sad measure of our preoccupation with Vietnam that the tragedy unfolding in East Pakistan has not been widely seen as the crisis it is. The bloody suppression of civil strife in East Pakistan and the flight of millions of Pakistanis into India has created political and humanitarian issues of the greatest concern.

I have sponsored legislation to suspend military assistance to the Government of Pakistan, and have urged the State Department to take immediate steps to provide emergency relief assistance to the millions who are homeless, hungry, and sick. But I believe it is time to call upon our Government to exert every means of diplomatic pressure at its disposal to influence the government of West Pakistan to reach an early accommodation with the people of East Pakistan.

In an editorial in today's New York Times, it is proposed that economic assistance to the Government of Pakistan be withheld until there is an end to the bloodletting. I agree with the statement in the editorial that such political conditions upon economic aid are undesirable in the ordinary case. But the situation in Pakistan is extraordinary, and the threat to India by the spillover of strife calls for extraordinary steps. Under these circumstances, I shall support the resolution proposed by the gentleman from New Jersey (Mr. GALLAGHER) to suspend bilateral economic assistance to Pakistan pending a political accommodation in East Pakistan. I commend the New York Times editorial to the attention of my colleagues.

[From the New York Times, June 17, 1971]

AID FOR PAKISTAN

The appeal of the United States Government to India and Pakistan to avoid exacerbation of tensions rising out of the civil strife in East Pakistan and the flight of millions of refugees into India is long overdue. It represents belated acknowledgment of the grave international implications of a conflict that Washington has tried to dismiss as a domestic affair.

But appeals for restraint on both sides of the tense Indo-Pak borders are likely to be futile unless the United States is prepared to use its considerable influence in Islamabad to try to halt the policy of repression in East Pakistan that is now threatening the stability of the entire Indian subcontinent. The Punjabi dominated military government's efforts to kill or drive out Bengali dissidents, and especially that government's deliberate campaign of terror against Hindus, have generated overwhelming economic, social and political problems not only in East Pakistan but in neighboring India as well.

Prime Minister Gandhi has in fact, exercised remarkable restraint so far in the face

of soaring pressures created by the influx of millions of destitute, disease-laden refugees into eastern India and by the horrifying example of communal strife just across the border. But Mrs. Gandhi's bitter, emotional outburst in Parliament the other day suggests that she is nearing the end of her patience and perhaps of her ability to control events.

Assistant Secretary of State Joseph J. Sisco has at last called on the Pakistani Government to restore normal conditions in East Pakistan through "peaceful political accommodations." But officials in Washington at the same time made clear that the United States Government did not plan to withhold economic development assistance from Pakistan if such an accommodation was not forthcoming.

As a general principle, this newspaper has opposed the imposition of political conditions on development aid. But in the case of Pakistan today it is certainly reasonable to question whether such aid can be effectively utilized by a government that is at war with a large part of its population. It is highly doubtful that American interests or the real interests of Pakistan will be served by continuing to assist a regime that savagely suppresses its own people, refuses to yield to democratically elected leaders and pursues policies that threaten the peace and security of a neighboring state where the United States also has a substantial development interest.

The prospects for peaceful progress on the India subcontinent would be improved if the United States and other donor nations which will be meeting in Paris in the next few days refrained from making fresh pledges of assistance to Islamabad until there is clear evidence of a genuine political accommodation in Pakistan.

BACK HOME IN TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. PICKLE. Mr. Speaker, recently the Rochester, N.Y., Times-Union printed an inside view of the activities of our former President Lyndon B. Johnson and his wife, Lady Bird. The article accurately portrays the busy yet warm and gracious lifestyle of our former first couple, and I share it with my colleagues at this time:

BACK HOME IN TEXAS: THE BUSY LIVES OF LBJ AND LADY BIRD: NEW LIBRARY, WRITING, RANCH, VISITORS

(By Paul Miller)

Those who sometimes wonder, as many have, what LBJ is doing—"so quiet and all since he left the Presidency"—can find out in short order if they visit Austin.

The 30th President has important and well-managed broadcast and other interests in and around the booming Texas capital, second in Texas only to Houston in its rate of growth.

But these and other interests may be of second interest—indeed, they almost certainly are. For LBJ has been involved in two other endeavors, either of which could be a full-time job all by itself for most.

First, of course, has been the overseeing of the construction, organizing, filling and finally the dedication of the Lyndon Baines Johnson Library. The former President and Mrs. Johnson could have been, one can imagine, almost totally involved in that.

But not so; not at all so.

Both have concluded the writing of books—LBJ's is due out in autumn. Both have new and old ties deep in the heart of Texas (for one, Lady Bird is now a member of the State Board of Regents).

And there is a stream of visitors from near and far, both to Austin and 70 miles west in their glorious "hill country" at the LBJ Ranch.

SCENE BY PEDERNALES

The Ranch. That seemed, to a visitor, the heart of everything—the heart of the heart of Texas—for all the Johnsons.

Along with the many news stories about the library have been many also about other Johnson interests and certainly the ranch. Yet this visitor had to walk and drive around in leisurely fashion to realize, even after reading much, how closely concentrated are so many aspects of the Johnsons' busy life.

LBJ's boyhood home at Johnson City is only 15 miles away from Stonewall, where the ranch is. His birthplace, reconstructed almost exactly and employing some stone and lumber from the original structure, is a pleasant walk over a tree-shaded road from the main house at the ranch.

From the main house, the LBJ state park is just across the Pedernales River and a road immediately beyond. You may walk or drive around the park beginning with the Information Center, which houses articles from pioneer days in the region—each the real thing, including a school desk on which, among many other examples of young students' pocket-knife carving, are the initials LBJ.

And a framed embroidered wall piece from a pioneer neighbor's home reading:

"Everything Depends
On God's Blessing."

Of course the influence of Lady Bird is everywhere—and her insistence that genuine articles to be used. On a chair in a kitchen of the LBJ birthplace is a black bonnet which, Mrs. Johnson tells friends with a smile, "was worn to every funeral for years." For many articles, she credits "neighbors for miles around" who let her "rummage through old trunks, closets and attics."

All this sounds pastoral enough, quiet and serene. And the wonder is that the Johnsons have been able to maintain it so. But they have, and they do, although the main house is the center of what is even today wide national and regional activities and interests, with Secret Service personnel in surveillance, checking and observing all who come and go on a day of many visitors, whether by highway, plane or helicopter.

Visitors to the Johnsons may arrive and depart by all three avenues. On a busy day, guards are in touch by walkie-talkie with one another and, if need be, with LBJ in his personal white Continental or golf-cart type ranch car. From their command center back of the house not far from the air field, arrivals and departures by whatever means can be monitored by closed circuit TV.

All this security activity is so controlled that there is little consciousness of it, and tourists clutter around the Pedernales from the ranch house, under the trees near the road into the park and avidly watch front porch, front yard and swimming pool activity at the ranch with or without binoculars.

From the tourists, it is only a few hundred yards—down the tree-shaded slope to the Pedernales, then up the similarly tree-shaded rise beyond to the driveway and the ranch house lawn.

The house itself somehow sits in quiet beauty, even when—as on a recent week-

end—visiting old friends are scattered over the lawn, at pool-side chairs and tables, and milling in and out of the stately and solid but not at all pretentious house, which has been improved and enlarged as needed over the years.

PRESIDENTIAL ARCHIVE

Much has been printed in this newspaper and others about the LBJ Library in its magnificent setting on a 14-acre stretch of the University of Texas campus at Austin—about an hour's drive from the ranch.

On dedication day May 22, the massive library and associated School of Public Affairs—which together cost \$18.6 million and toward which Mr. Johnson himself contributed more than \$2 million—at first appeared of less interest to many of the thousands of guests than other guests! For "names" abounded.

But that was before they moved finally in numbers into the library building—after the ceremonies at which President Nixon and Mr. Johnson spoke, after drinks at stands set up about the area, and after the barbecue served to thousands on tree-shaded tables and in tents.

Once inside the library, guests wished they had allotted more time—and resolved to come back when they could.

In his dedicatory address, LBJ emphasized that among his 31 million papers was everything, good and bad, favorable and unfavorable. The library was planned, he said, so that students might see and learn "how the documents show it was" in the time of President Johnson's 40-year public service from a lowly congressman's assistant through the presidency. It was not planned merely to show or record how it looked or seemed to Lyndon Johnson.

This visitor is among those who hopes to return for a more extended stroll through the exhibit halls and galleries, from the first floor on up to the eighth-floor reproduction of the Oval Room—the President's Office—furnished as in LBJ's years in the White House. The library is to be open seven days a week.

Meantime, this visitor also is among those who expects that appreciation of the great value and usefulness of this impressive structure and repository will grow with the years, as will those of Harry S. Truman at Independence, of John F. Kennedy at Boston (when built), of Dwight D. Eisenhower at Abilene, of Herbert Hoover at West Branch, Iowa, and of Franklin D. Roosevelt at Hyde Park. LBJ's is the fifth library built and dedicated to American presidents. Go see any and all, if you can. You'll be happy you did.

WORTH THE COST

NOTE: Some critics have seemed to concentrate on the cost of building and maintaining the LBJ Library. Less has been said apparently of the fact that such historic structures are—or should be—built for (1) beauty as well as utility and (2) to last for generations.

And in the Johnsons' case, besides the \$2 million personal gift, both LBJ and Lady Bird have also committed royalties from their books to the library and School of Public Affairs. Moreover, a family foundation is said to have contributed further substantial sums. University of Texas Chancellor Emeritus Harry Ransom told the dedication through that the contributions former President Johnson made to the library are worth much more than the \$2 million he donated formally.

QUOTE OF THE WEEK

Lyndon B. Johnson, speaking of the documents in the LBJ Library: "It's all here—with the bark off."

THE EMINENTLY WELL-MERITED HONORARY DEGREE OF DOCTOR OF LAWS IS CONFERRED UPON CONGRESSMAN JAMES A. BYRNE OF PENNSYLVANIA

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. DONOHUE. Mr. Speaker, I know that all Members of the House will be gratified to learn that our distinguished colleague, Congressman JAMES A. BYRNE, of Pennsylvania, had an honorary doctor of laws degree conferred upon him at the Philadelphia College of Osteopathic Medicine's 80th commencement on June 6, 1971. This is the second time JIM BYRNE has been so honored by an outstanding educational institution.

The citation accompanying the degree reads as follows:

CITATION FOR JAMES A. BYRNE FOR THE DEGREE OF DOCTOR OF LAWS

(Philadelphia College of Osteopathic Medicine Commencement, June 6, 1971)

Presentation: Dr. Sherwood R. Mercer—Vice President.

Conferring of Degree: Dr. Frederic H. Barth, President.

Dr. BARTH: I have the honor of presenting James A. Byrne, James Byrne—On June 10, 1776 a committee—John Adams, Benjamin Franklin, Robert Livingston, Roger Sherman and Thomas Jefferson—was selected to prepare a Declaration of Independence. Thomas Jefferson, in the second floor sitting room of the house of Jacob Graff, a bricklayer, on the southwest corner of 7th and Market Streets, wrote the Declaration. On July 4th the Declaration was adopted by the Continental Congress.

And thus it all began.

And two Centuries later, James A. Byrne represents in the Congress of the United States the district where it all began. And because James Byrne is the kind of man he is, the people of this nation—and indeed of the world—have their national shrine preserved because he was responsible for the federal legislation which made possible the preservation of the Graff House and other shrines that help to make up the Independence Mall complex.

Your career of service has been marked by knowledgeable, able and strong leadership on the Armed Services Committee which puts you at the center of the protection of the nation, and your work on the Merchant Marine and Fisheries Committee brings your voice to shaping policies which affect the world food supply on the one hand and Philadelphia's Maritime commerce on the other.

But your particular skills show clearly not only in shaping national and international policies but also in caring for that single and particular soldier, that mother, that child who needs you and your help.

You, Sir, have spent your life in public service of the highest order. You are the example of responsible citizenship.

Philadelphia College of Osteopathic Medicine proudly salutes you and happily welcomes you to the select company of its honorary alumni.

In his welcoming remarks to the assembled graduates, Dr. Frederic H. Barth, president of the college, urged them to assume the duties of responsible citizenship. In so doing they certainly could

have no better example than that of JIM BYRNE.

Since his earliest public service as a U.S. marshal for the eastern district of Pennsylvania, he has distinguished himself as a true servant of the people. With their traditional good sense the people of his district quickly recognized their good fortune in having such a dedicated and gifted man in their service and for the past 18 years they have consistently returned him to his high position of responsibility as a U.S. Representative.

JIM BYRNE has diligently devoted himself to the fullest discharge of his congressional duties and has become recognized as one of the most able and zealous legislative leaders in modern history. He is eminently respected as an outstanding Member of Congress, who daily expends every ounce of his extraordinary talents in honorably and effectively serving his country and his constituents.

However, far above and beyond his legislative leadership, and achievements, JIM BYRNE is beloved by his people and colleagues for his patient tolerance, humble attitude, compassionate understanding, gentle humor, and generous heart.

Mr. Speaker, it is no surprise to anyone here in Pennsylvania that two great universities have seen fit to confer honorary degrees upon JIM BYRNE—because long before he was so rightly recognized by these distinguished educational institutions, his people, friends, and colleagues had already bestowed upon him their informal but special degree, doctor of humanitarian service.

I most earnestly hope and believe that the Philadelphia College of Osteopathic Medicine's class of 1971 will heed their president's advice to become responsible citizens and, in so doing, they could have no better inspiration than the life and conduct of Congressman JAMES A. BYRNE.

Mr. Speaker, at this point I would like to include the welcoming remarks to the graduates by the distinguished president of Philadelphia College of Osteopathic Medicine, Dr. Frederic H. Barth:

WELCOMING REMARKS OF DR. FREDERICK H. BARTH

Members of the Board of Directors, Members of the Faculty, Members of the Class of 1971, Honored Guests, Parents and Friends:

I greet you and I welcome you to the 80th Commencement of Philadelphia College of Osteopathic Medicine. We are happy to have you with us as we celebrate with this class this great day.

Medicine today is perhaps as fine an example as we have of the trouble, the tension, the misunderstandings and indeed the hopes which are in the interface between science and society.

Alfred North Whitehead wrote, "Adventure or decadence are the only choices offered to mankind." This is the choice which society and science—and I include medicine in science—face today. In commenting on this, Dr. Allan Bromley, who is Professor and Chairman of the Department of Physics at Yale University, writes:

"... I am confident that the adventure will continue. There are those who would advocate a moratorium on science—who suggest that new knowledge can wait until in some unspecified fashion we are better able to use it wisely. But this is surely unrealistic... The theoretical and practical knowledge which has led us to our present technological society is now part of the collective memory of all mankind and there is no going back.

Nothing can extinguish the human curiosity or the will to understand."

Yes, there is no turning back. But what do we do? May I turn to some comments of former Congressman Emilio Q. Daddario who, as you will remember, was for a number of years on the House Committee on Science and Astronautics and Chairman of its Subcommittee on Science, Research and Development. Mr. Daddario is discussing the impact of science and technology on society and particularly on the environment. He comments that in his view the only way "man can avert catastrophe" is "by achieving... a steady-state environment. In scientific theory, a system is in a perpetual or state of balance when all forces acting upon it, internal as well as external, cancel out. We see examples of the steady state in the equilibrium phase of chemical reactions, in the homeostatic mechanism of the human body (a phrase which is very familiar to osteopathic physicians), in the equilibrium state of statistical mechanics, and in the "balance in nature!"

However, things have gotten out of hand. Mr. Daddario suggests that we need some form of social control "over technology in such a way as to enable man purposefully to build on acceptable steady-state relationship with his environment. But this calls for a major departure from long-established attitudes."

Indeed it does. The concepts of the boundless frontier, inexhaustible resources and freedom to do what one wishes are no longer tenable. Nor is the idea that has prevailed since World War II that science and technology provide the new endless frontier. But ecological disaster—at least ecological trouble—is upon us and we must think in new ways about man's "steady state" relationship to his finite home—the earth.

This places a terrible burden on our people and our law makers. Freedom is the word in America. But can we survive on unguided freedom finding expression in the actions of a pluralistic society? Who shall establish the priorities? Is our system of government by consensus around pragmatic solutions going to be effective?

As Mr. Daddario puts it: "Man must steer a careful course between the technological dictatorship of flawless, accident-free behavior and the bloody and catastrophic freedom of irresponsibility."

"The most important contribution that science and technology can make in the achievement of this balance is to identify irreversible trends toward catastrophic incompatibility. If man is slowly destroying the environmental viability of his own civilization by inventions or behavior, science must sound the alarm. The most important contribution that politics can make is to resist technically attractive improvements whose second-order consequences are irreversible trends toward the loss of human freedom. The task of politics is to establish and protect standards of human freedom, marking the boundaries beyond which science may not transgress. In the last analysis, politics and science must work in uneasy harness, achieving their own balance between conflict and cooperation. The achievement of such a cooperative relationship within the framework of a democratic form of government would be the crowning achievement of our century and perhaps of all time."

What does all this mean to the Class of 1971? Precisely this. They are physicians, osteopathic physicians. Their special function in society is to help their patients maintain homeostasis which is synonymous with good health. This class and the new generations of physicians have, however, an added duty. They now must make their skills, knowledge, judgments and insights have an impact on the decisions having to do with the maintenance of a steady state between man's freedom and the environment.

The osteopathic profession is an independent profession. It was able to be born and developed in America because pluralism is one of the foundation stone ideas on which the nation has been built. Pluralism presents difficulties in setting social priorities. It is incumbent, therefore, that the entire osteopathic educational and health care system contribute positively and constructively to the formation of policies concerning not only health care but also the resolution of how our society will handle the total problem of man's steady state relationship with his environment.

Members of the Class of 1971, I congratulate you on your achievements, and I look forward with great confidence to your success in your practice and in your role as responsible citizens.

Pennsylvania's long history is studied with accounts of great educators. No one of these shines more brightly than does that of our speaker today. Dr. Frederic K. Miller was born in Pennsylvania, he was educated here, he has had an outstanding career here and, as Commissioner of Higher Education, he has given to that office a quality of leadership which has enhanced the entire higher educational system of the state.

We are happy to welcome Dr. Miller today and we are honored by his presence.

FDA: MORE PRO-INDUSTRY THAN INDUSTRY?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ROSENTHAL. Mr. Speaker, rejection by the Food and Drug Administration of an industry offer to label all orange juice drinks with their specific percentage of orange juice makes the FDA look more pro-industry than industry itself.

It was a step in the right direction when the juice industry submitted to the FDA a proposal that would require orange drinks show the actual percentage of orange juice to the nearest 5 or 10 percent. I was shocked when FDA vetoed this in favor of more lax standards.

The FDA, which has put off action on this matter for more than 7 years, this week recommended setting up four broad categories of orange juice content: Below 10 percent, between 10 and 35 percent, between 35 and 70 percent, and 70 percent or more.

This would tend to encourage producers to use less orange juice, not more, Mr. Speaker. Under the FDA plan, the drink with 35 percent orange juice and the one with 65 percent would both have the same label, which says "contains not less than 35 percent orange juice."

The consumer would not be able to tell how much orange juice he is getting, and the producers could use this as an excuse to dilute their products rather than improve them with more juice.

Under the industry proposal, the drink with 35 percent orange juice and the other with 65 percent would bear labels stating those amounts. The FDA would make no differentiation, under its proposal.

This is further evidence, Mr. Speaker, of the FDA's apparent insensitivity to the American consumer.

TOWARD A PRIVATE POSTAL SERVICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. CRANE. Mr. Speaker, it is not often that I find myself in agreement with the Washington Post's columnist, Nicholas von Hoffman. His commentary of Friday, June 11, 1971, however, is one with which I can most heartily concur.

In this column Mr. von Hoffman asks the question which many Americans have been asking for some time: Is Government really the most efficient body to conduct such services as that of delivering the mail?

While visiting in Wichita, Kans., Mr. von Hoffman encountered Harlan Lewin, the president of Wichita Independent Postal System of America. Lewin made the observation that—

If you ask the clerk in a post office around Christmas time how things are, he will almost always say, "Terrible, we're so busy." Now you ask a clerk in a department store, she'll say, "Great, we're so busy."

IPSA, the private postal system, says that it can deliver mail for 3½ cents per letter as against the U.S. mail's 8 cents. The organization has franchises in 52 cities, and believes it can deliver mail more efficiently than the U.S. Government, at a lower price, and at a profit.

The fact is that many functions which should be within the private sector have, over a period of time, become functions of government. Americans seem to have abandoned the Jeffersonian view that "That government is best which governs least," and have instead adopted a more statist approach to the Nation's problems. The result, however, is far different than the original advocates of Government involvement believed it would be. Instead of efficiency and economy, we have high taxes, inflation, debt, and an unprecedented inefficiency.

Mr. von Hoffman concludes:

On every level the taxpayer/customer is complaining about the groaning inefficiency and the stinging costs of public services, while, at the same time, the government takes new jobs and responsibilities which it fails to do well enough to satisfy us. Maybe if it let go of certain areas to the proficiencies of the profit system, it could do what it alone must do better.

In my opinion, the postal service is clearly one of those things which could be better done by private enterprise.

I wish to share Mr. von Hoffman's column with my colleagues, and submit it at this point for their consideration.

The column follows:

[From the Washington Post, June 11, 1971]

IF YOU WANT IT DONE RIGHT

(By Nicholas von Hoffman)

WICHITA, KAN.—The hot cargo was there for anyone to see in the sorting shed of the Independent Postal System of America. Stacks and stacks of extra heavy envelopes. They were mailing from Blue Cross to its Wichita subscribers, and there could be no doubt about it, this wasn't junk mail. This was first-class mail which the law says is the absolute, airtight monopoly of the Post Office Department.

Nobody in this country is allowed to deliver a letter except the U.S. mail. And, under the Private Express Statute of 1936, "a letter is further defined as a message in writing from one person to another containing live, current information which would incite the recipient to act or to refrain from answering."

The Independent Postal System of America got the business because it was charging a quarter for making the same delivery that the government mails would charge a dollar for. IPSA will get it to its address faster and in better condition. That goes without saying.

Unlike that mess that Red Blount, the Postmaster General, presides over, IPSA wants your business. When you go into the office of the Wichita franchise, they don't view a proposal to send a letter as an insulting proposition. "I'll tell you the difference," explains Harlan Lewin, the president of Wichita IPSA. "If you ask the clerk in a post office around Christmas time how things are, he will almost always say, 'Terrible, we're so busy.' Now you ask a clerk in a department store, she'll say, 'Great, we're so busy.'"

IPSA, the profit-making postal system, likes to be busy and its slogans show it: Now you have a choice—IPSA's Mail or Uncle Sam's; The Postman Rings Twice; Postal Service Through Free Enterprise.

But not quite. It's against the law for IPSA to put a letter in your mail box, even if you paid for the mail box and it's installed in your house on your property. It's doubtful that IPSA could ever have more than marginal success against such a monopoly if it weren't for the state of Kansas which is thinking about joining IPSA in its free enterprise criminal activities.

The reason for the state's interest is that Kansas doesn't have the additional three quarters of a million dollars it will have to pay to send out its official correspondence under the new postage rates. The difference in costs between the private and public mail systems are immense. IPSA says it can deliver Kansas' mail for 3½ cents per letter as against the U.S. Mail's 8 cents.

IPSA is in business to make a profit. Currently the organization has franchises in 52 cities, some of which Lewin says are doing very well, while others are having their troubles. But the Wichita operation, at least, has more than the profit incentive behind it. Some of the men who've invested in it also want to demonstrate that private groups can do a better job supplying services that we've come to assume are just naturally governmental functions.

One of these men is a paper box manufacturer named Bob Love. Love is so far right, so much of a decentralist, that you'd have to describe him as some kind of free enterprise anarchist. The guy is so far out he's not even sure he believes in public police departments.

What Love is doing with his participation in something like the private mail system is to lay the foundations for right wing counter institutions. As with the New Left people, he also wants to demonstrate that there are other and perhaps better ways of performing many of society's most necessary functions.

Love's biggest project is the Wichita Collegiate School. It is an unaccredited institution with 350 pupils in grades 1 through 12, run in defiance of state rigmarole and regulation. With its stress on Bible study, Latin, math and laissez-faire economics, it's not a school that every parent would want to see his kid attend, but that's exactly Wichita Collegiate's purpose, to give some parents a school that may be different but which suits them.

"The Collegiate School provides the only alternative to public schools here," says Love, who has given the place \$300,000. "The rest of

the schools are the same. Even the parochial schools are just like the public ones."

If Collegiate's headmaster had his way, there would be no public school system. "Public schools show the classic characteristics of every monopoly, the quality is going down and the costs are going up. Why if you read Horace Mann, you would see that he would be horrified at the monster we have in today's public education," says Randall Storms, the school headmaster, a man who says he got out of public schools because he couldn't take their vapidness any longer. "And I think they're going to get worse. There has to be a further degeneration of public education until the thing will either fall of its own inertia or there's a revolution or people will cop out into building an independent school system . . . The Catholics, of course, say they don't want to destroy the public education, but, hell, I do. I'm willing to take my chance in the free market."

Technically, as Randall Storms rather proudly tells you, under Kansas law all his students are truants who are scoring in the high 500s on the SAT's. It is for him a vindication for his pedagogical civil disobedience.

For the rest of us the meanings may not be clear. We can look at it and say, well, hell, it's just a bunch of rich rightwingers who built themselves a school and a post office; it has no application or significance.

None of it may have the application that Love and Storm see, that is the universal use of an unchained free market to solve every problem. Yet what they're doing should cause us to ask whether many government functions need to be so, whether they might be handled by the private sector cheaper and with greater satisfaction to the taxpayer or customer.

On every level the taxpayer/customer is complaining about the groaning inefficiency and the stinging costs of public services, while, at the same time, the government takes new jobs and responsibilities which it fails to do well enough to satisfy us. Maybe if it let go of certain areas to the proficiencies of the profit system, it could do what it alone must do better.

THE PRESIDENT'S RED GRAIN TRADE ORDER MUST BE AMENDED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ANDERSON of California. Mr. Speaker, earlier today I spoke briefly about the administration's move to eliminate the requirement that U.S. flag vessels carry at least 50 percent of the grain to Communist China. As this is an area of which I am familiar, and which, I believe, is vital to both our economic and military self-interest, I would like to expand on several of the points that were made in my earlier speech.

The U.S. merchant fleet has deteriorated to the position of fifth in the world and is now carrying only 5 percent of the Nation's waterborne foreign commerce.

The Merchant Marine Act of 1970 was designed to halt the decline of the U.S. merchant fleet and to rebuild it into a proud, necessary fleet of ships so vital to this country's economic strength in time of peace and its defense mobility in time of war.

But now, by eliminating the requirement that U.S. flag vessels carry at least 50 percent of the grain to Communist

China, another blow has been struck for the foreign and runaway shippers who would like to see the U.S. flag disappear entirely from the high seas.

By this action, the U.S. shipper is asked to compete directly with foreign shippers. In other words, the shipper who can ship the commodity at the cheapest rate, is awarded the contract.

But do we ask other U.S. industries to compete directly with foreign industries? Do we expect to compete directly with countries whose standard of living is far below ours? Do we expect the American merchant seaman to work for the same wages as a Liberian seaman?

The answer is no.

Mr. Speaker, in almost every area of our economy, we protect our industries in some way. For instance, Canadian grain sorghum imported into the United States must pay a duty of 4 cents per pound. Certain types of Canadian corn pay a duty of 25 cents per bushel. Foreign potatoes, imported into this country, pay a duty of 37.5 cents per pound.

Mr. Speaker, I could go on and on. There is a tariff schedule consisting of 544 pages—from abaca to zirconium.

Generally, I do not oppose these tariffs, for I know that foreign labor and foreign industry would soon flood our markets and drive U.S. industry out of business unless we gave our industry a degree of protection. However, I feel that in an area as important as shipping, we should be making every effort to keep our ships in operation by aiding and extending to them a degree of protection.

It is in our economic interest to encourage our merchant fleet to carry more and more of our cargo. A U.S. flag vessel pays taxes to the U.S. Government—foreign vessels do not.

U.S. maritime workers—seamen, yard workers—pay taxes, consume U.S. goods. Foreign seamen and workers do not.

Mr. Speaker, we must reach an agreement whereby two important segments of our economy—the maritime interests and the grain producers—both can realize their maximum value to our society.

BANNING CERTAIN ADS CAN HURT ALL OTHER ADS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BOB WILSON. Mr. Speaker, I have no vested interest in defending cigarettes or cigarette smoking. Tobacco farmers or manufacturers are not among my constituents. Nevertheless, the time has come for all Members to take a fresh look at the cigarette controversy to see just exactly what is in danger of going up in smoke.

More is burning than tobacco. More is threatened than the special interests of Members from North Carolina, Virginia, and Kentucky and their constituents.

"It's everybody's fight," declared the editors of Advertising Age on May 31, warning:

The Government is out to ban cigarette advertising in any shape or form, and if they can get away with that they can get away with banning ads of any other product category.

In the same prophetic view, Horace R. Kornegay, president of the Tobacco Institute, warned the Rotary Club of Chicago of the dangers befalling any industry that becomes the target of the social crusaders whose new standard is that business is guilty until proven innocent.

He predicted:

If this new standard is imposed on business, then we can say goodbye to the economic system as we know it. We will really see a domino theory in action.

Mr. Speaker, the bell is tolling. Right now, for the cigarette industry. But tomorrow, who knows? The automobile industry, the food industry, the drug industry, and, above all, the advertising industry are all vulnerable. The assault on the right of legal products to legally advertise is an assault on a fundamental function of the American enterprise system.

I insert the editorial from May 31 Advertising Age, and the article from the May 28 Gyrator:

[From the Advertising Age, May 31, 1971]

IT'S EVERYBODY'S FIGHT

Make no mistake about it: The government is out to ban cigaret advertising in any shape or form, and if they can get away with that they can get away with banning ads of any other product category.

The last time around, non-tobacco advertisers pretty much washed their hands of the drive to force cigaret ads off the air. But they no longer have the luxury of standing aside and watching cigaret ads shoved out of magazines, newspapers, and finally out of advertising altogether. Can toy makers be far behind if the government is successful in their anti-cigarette crusade?

Sen. Moss' anguished cries accusing the tobacco companies of "callous disregard for expressed congressional intent and public opinion" have all the markings of a trumped-up case. He purports to be outraged about the big percentage gains that some magazines have derived from cigaret ads, but he doesn't mention the actual number of cigaret ads the magazines carried.

The result—and newspapers across the country fell into the trap—was that Sen. Moss waved huge cigaret ad gains of 500%, 300%, 150%, etc., around without revealing the actual page gains. This is the sort of deceptive and misleading rhetoric that the Federal Trade Commission is quick to pounce on—and rightly so.

But let's take a look at one of these so-called big gains. *Woman's Day*, for example, which had a 533% gain in cigaret ad pages, actually went from three cigaret ads in the first three months of 1970 to 19 in the first three months of 1971. That works out to six cigaret ads an issue, out of an average ad content of 66 pages per issue.

In a letter to Sen. Moss, Joseph F. Cullman III, chairman of Philip Morris Inc. and chairman of the executive committee of the Tobacco Institute, asserted that the cigaret ad report gives "a misleading impression" of the actual volume of cigaret advertising in magazines. "Since relatively little cigaret advertising appeared in magazines prior to the broadcast ban, a small number of additional advertisements can be translated into substantial percentage increases," he stated.

And, as Mr. Cullman pointed out, the cigaret companies' over-all advertising weight has been drastically reduced because of the

broadcast ban. Philip Morris has cut its ad budget by 20%, he reported, and the number of advertising impressions is down even more.

It can be argued that Congress had some obligation to police the airwaves, since broadcasters are required to operate in the public interest. But the structures of magazines and tv are entirely different. Magazines present a more selective, less intrusive medium, where readers can more easily ignore an ad that doesn't interest them, or even offends them. Congress doesn't have any business trying to ride herd on the advertising of a legitimate product, legitimately sold.

Sen. Moss probably knows this, but he and others are determined to stamp out all cigaret advertising, and he's using the magazine situation as a convenient scapegoat. It's about time non-cigarette advertisers made it clear that they think his action is a patent and grossly unfair infringement on their right to market a product without undue government harassment.

[From the Gyrator (Chicago), May 28, 1971]

TOBACCO'S "BURNING QUESTION"

(By Robert H. Gardner)

How does a \$10 billion industry with few defenders survive a crusade against it?

By spending more money to get at scientific truth and by encouraging public discussions of both sides of the controversy.

Horace R. Kornegay, president and executive director of the Tobacco Institute, gave no advice on whether to continue or stop smoking, but did point out the dangers befalling any industry that becomes the target of social reformers. He spoke Tuesday, May 25, before the meeting of Rotary/One in the Sherman House Grand Ballroom.

The attack on cigarettes involves a principle, Kornegay believes.

"Shall we, as a nation, scrap the historical principle that anybody—an industry as well as an individual—is innocent until proven guilty?" he asked.

"If this new standard is imposed on business, then we can say goodbye to the economic system as we know it. We will really see a domino theory in action. First, the tobacco industry, then the auto industry, the drug industry and the food industry. Banking, oil, air travel, advertising will also succumb," he warned.

Anti-smoking forces have moved from informing people about an alleged hazard to a fanatic compulsion to decide what is right for them and push them around, according to the speaker.

"Fortunately for us all, when human beings start out on a crusade, they always introduce a bit of lunacy into it," he observed, citing a recent ban on smoking on the decks of Staten Island ferries.

"It well may be that smokers have been so bombarded with propaganda that they have become immunized to it. I look ahead hopefully to the rest of 1971 as a period of sharply reduced noise level, which might accelerate the scientific resolution of the smoking and health controversy," Kornegay said.

The tobacco industry has taken many voluntary steps in regulating itself, which its critics ignore. It ended broadcast advertising of its produce, listed tar and nicotine content on packages, and displayed the health warning notice in print advertising—all by its own volition. Research was under way on a big scale long before the public cry against smoking.

The crusading, Kornegay believes, is attributable to "the tenacity of the cancer mystery, which is a challenge to the entire nation. It is humbling to realize how little real progress has been made in solving the fundamental problem of causation. It is understandable that individuals and organizations which are morally convinced that the

elimination of cigarette smoking is the simple solution to a very complex question would feel frustrated by anyone's unwillingness to accept their judgments."

Meanwhile, three million members of farm families in 22 states are dependent on tobacco crops, and more than 100,000 workers are employed in tobacco factories. Over 4,500 wholesale firms distribute the products to hundreds of thousands of rental outlets. Some 329 industries sell their products directly or indirectly to the tobacco industry. U.S. tobacco exports account for three quarters of a billion dollars annually, and the industry pays \$4.6 billion a year in local, state and federal taxes. It all adds up to about \$10 billion in the economy.

"I am not suggesting that we balance health against dollars, but simply that we look at the principle involved and then decide what course is just," Kornegay said.

A member of the Washington, D.C. Rotary Club, Kornegay is a former Congressman from North Carolina. With him at the speaker's table were Rotarians representing the tobacco industry in our Club: MAX BLOOM, president of S. Bloom, Inc., wholesalers; STAN LEVI, president, Iwan Ries & Co., smoker's accessories; BILL MESICK, owner of Mesick & Mesick, cigar lighter distributors; and JACK SCHWARTZ, retail tobacconist. STEVE BLOOM, general manager of Cigarette Service Co., was out of the city and was not present.

A RIGHT TO KNOW AS WELL AS A RIGHT TO PUBLISH—THE NEW YORK TIMES CASE

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ECKHARDT. Mr. Speaker, as you know, 27 Members of Congress filed a motion of intervention today in the case of United States of America against the New York Times Co. in the U.S. District Court for the Southern District of New York.

This case has particular interest to all Members of the House of Representatives and I urge that they read the motion for intervention, the brief and accompanying papers to be printed at this point in the RECORD:

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, PLAINTIFF, AGAINST THE NEW YORK TIMES CO., ET AL., DEFENDANTS, 71 Civ. 2662

MOTION FOR INTERVENTION

Now come Phillip Burton, John Dow, Bob Eckhardt, Don Edwards, Michael Harrington, Robert Kastenmeier, Edward Koch, Abner Mikva, Benjamin Rosenthal, William F. Ryan, James Abourezk, Bella S. Abzug, William R. Anderson, Herman Badillo, Jonathan B. Bingham, William Clay, Ronald V. Dellums, Sam Gibbons, Ella T. Grasso, Seymour Halpern, Peter Kyros, Parren Mitchell, Bertram L. Podell, Charles B. Rangel, Donald W. Riegle, Jr., James H. Scheuer, and Lester L. Wolff and ask leave to intervene in this cause in order to assert the defenses set forth in their proposed answer of which a copy is hereto attached, on the grounds that:

1. Movants are all Members of Congress and are affected by this litigation. If this litigation prevents the defendant New York Times from Publishing material from the Defense Department's 1968 Task Force Study on Vietnam, they will be denied important

information, known to be in existence, which bears strongly on the following extremely important policy questions (among others):

(1) The definition and extent of the authority of Congress and of the Presidency with regard to the war-making power as respects:

(a) the power of Congress to declare war and exercise other authority under Article I, Section 8, of the Constitution; and

(b) the power of the President to act as Commander-in-Chief of the Army and Navy of the United States and to exercise other authority under Article II, Section 2, of the Constitution.

(2) The manner in which the power of the Presidency has been conducted as respects the war-making power;

(3) whether or not Congress should enact further statutory provisions providing processes designed to prevent the President from overstepping constitutional authority or initiate further statutory or constitutional provisions delineating with greater precision the boundaries between presidential and constitutional authority;

(4) the conduct of foreign affairs bearing on the subject;

(5) the matter of governmental organization bearing on the subject; and

(6) all questions relating to the right of the people to secure information necessary to the effective exercise of their function as citizens in a democracy.

2. A prior restraint upon the defendant New York Times preventing the publishing of material from the Defense Department's 1968 Task Force Study on Vietnam would, and does (as respects the temporary restraining order), constitute prior restraint on the exercise of the right of free speech and freedom of the press as guaranteed by the First and Fourteenth Amendments to the Constitution of the United States.

3. Movants have suffered, and do suffer, injury in fact by virtue of the temporary restraining order. H. R. 8687, the Military Procurement Authorization Bill, is being debated in the House at the time of the preparation of this motion and during the period while the temporary restraining order herein is in effect. The debate upon such bill (as exemplified for instance by that of the Honorable John J. Flynt, Jr. of Georgia, on June 17, 1971) dealt heavily with the policy questions set out in items (1) and (2) of paragraph 1 above. Enjoining further publication of matter contained in the Defense Department's 1968 Task Force Study on Vietnam will deny to these movants important facts which constitute their tools for dealing with the important policy questions listed in items (1) through (6) of paragraph 1 above.

4. The interest of these movants is one protected by law in that

(1) Section 8 of Article I of the Constitution places upon them, together with other Members of Congress, duties requiring access to a wide range of information concerning, among other matters, the declaration of war, the raising and support of armies, the regulation of the land and naval forces, the providing for organizing, arming, governing and disciplining the militia, and

(2) The First and Fourteenth Amendments to the Constitution protect and guarantee movants' right to access to information unrestricted by abridgement of the freedom of speech, or of the press.

These and other provisions of the Constitution, and laws passed pursuant to them, were designed, in part, to protect the interests asserted by these movants. Because of the duties placed upon them as described in (1), above, the interests of these movants are distinct and different from those of the members of the public generally. Movants are so situated that the disposition of this action may, as a practical matter, impair their ability to protect their interests, and the repre-

sentation of their interest by existing parties may be inadequate. Movants' defense also has common questions of law and fact with the main action. Intervention by movants will not unduly delay or prejudice the adjudication of the rights of the original parties.

Wherefore, these movants pray that

(1) They be permitted to intervene in the cause,

(2) That the temporary restraining order granted against defendant New York Times be vacated, and

(3) That no further injunction be issued depriving them of information which they would otherwise receive through newspaper coverage were it not for a prior restraint against publication of the said Task Force Study.

THOMAS EMERSON,
Attorney for Movants.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA, PLAINTIFF, AGAINST THE NEW YORK TIMES CO., ET AL., DEFENDANTS, 71 Civ. 2662

BRIEF IN SUPPORT OF MOTION FOR INTERVENTION

There is, of course, no question but that the case before this Court falls within the constitutional grant of jurisdiction to federal courts of certain "cases, in law and equity" and "certain controversies." The United States has contended that the New York Times is wrongfully in possession of certain governmental documents and should be enjoined from publishing them. As a result the Court has granted a temporary restraining order. The New York Times asserts that it is entitled to publish the materials as a part of its exercise of freedom of speech and freedom of the press. There being, therefore, a case or controversy before this Court, the only question respecting these movants' intervention is the question of their standing to enter such case.

The New York Times' interest in freedom of speech and of the press here is the interest of the speaker or the publisher not to be restricted by governmental action abridging freedom of speech. The interest of the Members of Congress seeking to intervene is the other side of the coin: The interest is not being deprived of information which would normally flow to them but for an intervening act of government restraining that flow.

The United States District Court for the Eastern District of New York has recently recognized the interest of those deprived of information or of viewpoints which they could have received had it not been for an unconstitutional prevention of the exercise of free speech. In the case of *Mandel v. Mitchell*, 39 LW 2530, certain university professors complained of the refusal to permit an alien, Mandel, to come into the country and express certain economic, international, and governmental doctrines of world communism. Mandel was denied a non-immigrant visitor's visa under the asserted authority of Section 212(a)(28) of the Immigration and Nationality Act. The professors alleged that they and other citizens desired to have Mandel speak at universities and other forums to hear his views and to engage in free and open academic exchange and they charged that the section of the Act excluding from admission to the United States aliens who are or at any time were members of described classes of aliens identified with certain leftist and extremist political doctrines is invalid under the 1st and 5th Amendments and that it imposes a prior restraint on constitutionally protected communication.

In response to defendant's attack on the professors' "standing to sue" the Court said: "Since the First Amendment is not in its primary and most significant aspect a grant by the Constitution to the citizens of indi-

vidual rights of self-expression but on the contrary reflects the total retention by the people as sovereign to themselves of the right to free and open debate of political questions, the issue of "standing to sue" is immediately seen to be unreal. The concern of the First Amendment is not with a non-resident alien's individual and personal interest in entering and being heard, but with the rights of the citizens of the country to have the alien enter and to hear him explain and seek to defend his views. * * *

"Mandel's status as a party does not rest on any individual right to enter (for he has none) but exists only as against the efforts to exclude him on a ground that denies to citizens of this country their primary rights to hear Mandel and debate with him. Here the plaintiffs other than Mandel are directly involved with Mandel's entry because they have invited him, and they expect to participate in meetings with him or expect to be among his auditors. No more is required to establish their standing. Cf. Snyder v. Board of Trustees, 286 F. Supp. at 931-932 (N.D. Ill. 1968); Smith v. University of Tennessee, 300 F. Supp. 777 (E.D. Tenn. 1969)."

It was held in *Data Processing Service Organizations v. Camp*, 90 S. Ct. 827 at p. 829, that the question of standing concerns "the question whether the interest sought to be protected by the complainant is arguably within the zone of interest to be protected or regulated by the statute or constitutional guarantee in question." [Emphasis added.]

Though it is quite clear that the contention of the defendant New York Times is in fact within the constitutional guarantee of free speech and that, therefore, it is not constitutionally permissible to apply a prior restraint to the exercise of that right, it is not really necessary to determine the merits of the case in deciding that these movants have standing to intervene. Clearly their interests are as much within the zone of interest to be protected or regulated by the constitutional guarantee as are the interests of the New York Times.

The four leading cases establishing present law of standing are: *Hardin v. Kentucky Utilities Company*, 390 U.S. 1 (1968); *Flast v. Cohen*, 392 U.S. 83 (1968); *Data Processing Service Organizations v. Camp*, 90 S. Ct. 827 (1970); and *Barlow v. Collins*, 90 S. Ct. 832 (1970).

Professor Kenneth Culp Davis has pointed out that, as a result of these cases:

"A huge portion of the former foundation of the law of standing was . . . knocked out. The old test of a 'recognized legal interest' was specifically rejected. In its place were two new tests. The first, based on Article III, was 'injury in fact, economic or otherwise.' . . . The second test . . . was 'whether the interest sought to be protected by the complainant is arguably within the zone of interest to be protected or regulated by the statute or constitutional guarantee in question.'"¹

Even under traditional standards, these intervenors have standing. Their status is even more secure under the new standards. Let us examine them:

1. *There Was "Injury In Fact, Economic or Otherwise."*

Congress has been currently dealing with matters related to the power of the Presidency and of Congress related to the making of war, the financing of the war effort, and the termination of the Indochinese involvement.

The subject matter of the New York Times articles has been widely accepted by Members of Congress as pertinent to these issues before Congress. Note, for instance, that Congressmen McCloskey and Harrington inserted the New York Times installments of Sun-

day and Monday in the Congressional Record on June 14, 1971 (19563-19603; 19729-19766). On the same day Senator McGovern inserted the same documentation (19670-19708). On the next day Senator McGovern inserted the third installment in the Tuesday New York Times in the Congressional Record 19877-19896), and Congressmen McCloskey and Harrington inserted the same article in the Record (19970-19990; 20058-20076).

During the very period during which the temporary restraining order was in effect and was blocking further installments, both the House and Senate were dealing with legislative topics whose subject matter made the content of the Task Force Study germane to the Congressional debate. On June 16, 1971, 6 votes were taken in the Senate and 4 in the House on topics to which the study is germane. In the Senate these were the Chiles Amendment to S. 9275 and the Hatfield-McGovern Amendment to S. 9279. The House was on the same day acting on the Military Procurement Authorization Bill (H.R. 8687). The House continued consideration of the Military Procurement Authorization Bill on June 17, 1971, taking up the Nedzi-Whalen Amendment (providing a deadline after which funds under the procurement act should not be used for Indochina war support): the Harrington Amendment (which deleted a title of H.R. 8687 providing an authorization for Vietnamese forces and their allies, and local forces in Laos and Thailand), and considering several other amendments variously establishing cutoff dates and restrictions respecting funds which might find their way into support of the Indochina war.

Debate on these amendments was wide-ranging. For instance, Congressman John F. Flynt, Jr., of Georgia, reviewed what he called the mistaken premise upon which the Tonkin Gulf Resolution was enacted, the misinformation that was afforded the public and the Congress in that connection, the circumstances of its repeal, and the fact that the present war is being waged without a Congressional declaration of war. The question of candor of public officials during the development and the conduct of the war was a prominent feature of the debate on the Procurement Act, and such question of candor, or lack of it, was related to the desirability of Congressional action or Congressional expression calculated to bring the war to an end.

In debate in the House on June 16, 1971, at least three Representatives discussed the New York Times documents: Congressman McCloskey (20257), Congressman Podell (20264) and Congressman Abourezk (20284).

Nor have the issues which arose in these bills become moot by the defeat of the Hatfield-McGovern Amendment and the passage of the Military Procurement Authorization Act. There are at least four classes of legislation in the House in which the issue will undoubtedly be raised again:

Foreign Aid Appropriations and Authorization Bills.

Military Construction Authorization Bill. Defense Appropriation Bill.

Vietnam Disengagement Act. Also, there is presently a discharge petition on the Speaker's desk for the discharge of the Vietnam Disengagement Act (H.R. 4101).

If this litigation prevents the defendant New York Times from publishing material from the Defense Department's 1968 Task Force Study on Vietnam, intervenors will be denied important information, known to be in existence, which bears strongly on the various important policy questions listed in the motion for intervention: (1) The definition and extent of the authority of Congress and of the Presidency with regard to the war-making power, (2) the manner in which the Presidential power has been exercised,

(3) the desirability of statutory or constitutional changes, (4) questions related to the conduct of foreign affairs and of matters of governmental organization, and (5) all questions relating to the right of the people to secure information necessary to the effective exercise of their function as citizens in a democracy.

Thus the granting of an injunction would cause injury in fact to these intervenors in limiting their resources and their tools for solving such problems. In addition, it would injure them in this respect: Even if it were possible for Members of Congress to obtain similar information through private and confidential sources, these intervenors would have to act on this information without their constituents knowing the same basic facts. Such is not only directly injurious to a person called upon to represent a constituency but also tends to undermine the entire representative process. The right of the people to secure information necessary to the effective exercise of their function as citizens in a democracy is interrelated with the right of their representative to act on information commonly available to himself and to those whom he represents.

2. *The Interest Sought to be Protected by Intervenor is Arguably Within the Zone of Interest to be Protected or Regulated by the Constitutional Guarantee in Question.*

Section 8 of Article I of the Constitution places upon intervenors, together with other Members of Congress, duties requiring access to a wide range of information concerning, among other matters, the declaration of war, the raising and support of armies, the regulation of the land and naval forces, and the providing for, organizing, arming, governing and disciplining the militia.

The 1st and 14th Amendments to the Constitution protect and guarantee movants' right to access to this information unrestricted by abridgment of freedom of speech or of the press.

These and other provisions of the Constitution, and laws passed pursuant to them, were designed in part to protect the interests asserted by these intervenors. Because of the duties placed upon them as described above, the interests of these intervenors are distinct and different from those of the members of the public generally.

These intervenors are within precisely the same zone of interest as the professor plaintiffs in the Mandell case. Both are within the zone of interest protecting the right of citizens to enjoy the product of free speech. Persons who are so deprived because of a prior restraint by government in violation of the First Amendment are among those intended to be protected by that amendment just as are those who are silenced by the restraint.

The case of *Office of Communications of United Church of Christ v. Federal Communications Commission*, 359 F. 2d 994 (D.C. Cir. 1966) should also be noted as one in which the right to hear was involved. Certain individuals and organizations sought to intervene in a hearing before the Federal Communications Commission to contest the renewal of a broadcast license. The Commission denied intervention, stating that the individuals and groups had no "standing" to appear. Action was then brought under the A.P.A. to review this decision, and the standing of Plaintiffs was challenged. Plaintiff individuals and organizations constituting a listening public were held to have standing. The Court said:

"Since the concept of standing is a practical and functional one designed to assure that only those with a genuine and legitimate interest can participate in a proceeding, we can see no reason to exclude those with such an obvious and acute concern as the listening audience."

A less direct and specific interest in the subject matter existed in the case of the plaintiffs in the following environmental protection cases:

¹ *The Liberalized Law of Standing*, Kenneth Culp Davis, 37 U. of Chicago Law Rev. 450, at p. 452.

Scenic Hudson Preservation Conference v. Federal Power Commission, 354 F. 2d 608 (2nd Cir. 1965), cert. den., 384 U.S. 941, 16 L. Ed. 2d 540, 86 Sup. Ct. 1462 (1966).

Road Review League, Town of Bedford v. Boyd, 270 F. Supp. 650 (S.D. N.Y. 1967).

Parker v. United States, 307 F. Supp. 685 (D. Col. 1969).

Pennsylvania Environmental Council v. Bartlett, 315 F. Supp. 238 (M.D. Pa. 1970).

Citizens Committee for Hudson Valley v. Volpe, 425 F. 2d 97 (2nd Cir. 1970).

Yet the Court held that the parties, complaining usually as little more than interested citizens against governmental action, had standing to sue.

It is respectfully urged that movants have standing in this case and that they should be permitted to intervene.

Respectfully submitted,

THOMAS EMERSON,
Attorney for Movants.

FORMER HEREFORD STUDENTS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. LONG of Maryland. Mr. Speaker, on May 16, the student council of Hereford Junior-Senior High School, Baltimore County, Md., sponsored a commemorative service honoring former students who lost their lives fighting in Vietnam.

I was privileged to participate in this service, which was attended by Hereford students, families of the soldiers, and other members of the community.

At this point, I want to share with my colleagues the fine service record of these young men and the commemorative service program.

FORMER HEREFORD STUDENTS KILLED IN VIETNAM

1. Marine Private John M. Dudley, of the Ninth Marine Regiment, was killed in action after receiving a bullet wound in the head at Quang Tri in 1966. Private Dudley was awarded the Purple Heart and the Republic of Viet Nam Medal posthumously. John Dudley attended Hereford from 1960 to 1962.

2. Army Sergeant Kenneth E. Grove, of the First Infantry Division, was killed in Vietnam on December 15, 1969, and was posthumously awarded the Purple Heart. Kenneth attended Hereford from 1955-1959.

3. Army Staff Sergeant Joseph H. Kelly who graduated from Hereford High School in 1965, was killed in action July 1, 1969, at Chu Lal. He was awarded the Silver Star, the Bronze Star, the Purple Heart, and the Army Commendation Medal.

4. Marine Private Stefan Stalinski, who attended Hereford Junior-Senior High School from 1960 to 1962, before his parents moved to Canada, also lost his life in Vietnam.

5. Specialist 4 Robert Waters entered the Army in 1964, a year after he graduated from Hereford Senior High School. He was killed on September 25, 1966, and was awarded two Purple Hearts, the Bronze Star, and 2 Vietnamese Medals of Honor.

COMMEMORATIVE SERVICE PROGRAM

Preclude: Hereford High Senior Band directed by Mr. David Hogan.

Posting of Color: Hereford High Color Guard.

"America": Arranged by Cavas.

Pledge of Allegiance.

Invocation.

Address by Martha Smith, Student Council President.

Remarks by Mr. David King, Vice Principal.

Eulogy: Congressman Clarence D. Long. Plaque Presentation: Loretta Tenney, Student Council Representative.

Closing Remarks.
Benediction.

ADDRESS BY MARTHA SMITH, STUDENT COUNCIL
PRESIDENT

What can you say about five young men who died? That they were brave? That they died in service to our country? They died for Vietnam, but in a larger sense, they died for each one of us here as well as for each person in this community, because they died for peace.

For these reasons, this afternoon is a unique event for Hereford. It is the culmination of a year's worth of thinking, suggesting, planning, and working. Actually, this day began in last May. As every year, students of our school ask that more of the pennies that they give every Friday as a homeroom be given to a cause which is closer to home, rather than the projects like HOPE, UNICEF, RFA, which sends the money overseas. Last year was no exception. However, several of the Student Council homeroom representatives came up with an idea for a local project. In the May representative meeting, which was to approve the Penny Collection budget, these representatives suggested their idea—to allot \$90 for a memorial plaque commemorating Hereford High School students who died in the Vietnam conflict. This project was unanimously approved—but then the work really began. A committee was formed this school year to head this project, and with the leadership of Loretta Tenney, they've done an outstanding job.

There was much publicity over many of Baltimore's major radio stations requesting information concerning Hereford students who lost their lives in Vietnam, as well as many letters written to the United States Government and the families of the Hereford students. Then there was the matter of arranging the plaque, as well as organizing this service. The committee has been very busy the entire year, but I feel that they all consider it has been well worth their time and effort.

As President of the Student Council, I feel that I am speaking for the entire student body when I say that placing a plaque such as this in our school and remembering those men who were once students here as we are now with this service is worthwhile. While the plaque with the five names is on display, we as students hope that those viewing it will not only remember the men as they were students or soldiers, but we hope they will also remember what these men did for America—for peace. We hope that everyone will recall that to those students, peace was not just a word.

REMARKS BY MR. DAVID KING, VICE PRINCIPAL

Congressman Long, Major Ackers, Miss Smith, Miss Tenney, Fellow Teachers, and Students: When I was going to high school my principal was a fine gentleman, Dr. Wilmer A. DeHuff. Today, Dr. DeHuff is known as one of the finest educators ever produced in the State of Maryland. I particularly remember something he would say to all of us at Baltimore Polytechnic Institute. Standing in the auditorium, Dr. DeHuff would say, "Boys, life is like a coin; there are two sides to it. One side is freedom—the other side is responsibility." This idea—freedom and responsibility—was a part of the way that Dr. DeHuff ran his school. It became a part of our lives.

I think today Dr. DeHuff would add two more parts to his guide for living—challenges and choices. Life is, for all of us, a series of challenges. We are constantly faced with alternatives which will lead us to a solution

of our problems. For example, when we drive our cars we are constantly reacting to approaching vehicles, pedestrians, road signs, hand signals, land configurations, etc.

Every day, from our first walking moment, we are forced into making decisions: what to eat; what to wear; what to say; what to believe; what to question; what to accept; what to avoid; what to forget; what to remember.

At times, we become exasperated—the choices and the decision making becomes endless. We throw up our hands and say, "If only I could go back to a simpler time." But, we don't; and the decision-making process goes on and on. Thus, it is my feeling that all of us, parents, teachers, students, governmental leaders, are being tested every day in many ways. For our seniors, the next week will bring their high school examinations. They will be challenged.

Our generation and our system of government have been challenged from without, and, more recently, from within, for many years. The people of our country, bearing freedom and responsibility in mind, have reacted positively to the challenges which have faced us. Although our choices have not always pleased everyone, they were choices made with responsibility.

Today, we gather at a commemorative service for those Hereford High School students who gave their lives in the Vietnam War. Some might go away from this service and say, "Wasn't that a nice thing to do?" They will have missed the point.

As we listen to and participate in this program, we must remember that those whom we honor met their challenge with their greatest responsibility. As we leave, we must remember we still have the freedom and the responsibility. More, however, we still have the time!

EULOGY BY REPRESENTATIVE CLARENCE D. LONG

Mr. King, Major Ackers, Miss Smith, Miss Tenney, parents, students, ladies and gentlemen.

We are here today to honor the memory of five young men who gave their lives for their country: Marine Private John M. Dudley, Army Sergeant Kenneth E. Grove, Army Staff Sergeant Joseph H. Kelly, Army Specialist 4 Robert Waters, and Marine Private Stefan Stalinski. Hereford High School is a small school. How many schools in the United States have lost five of their alumni in the same war? These men—former Hereford students—gave up the only life they would ever be able to live—most of them before they had a chance to marry and have children.

These young men are gone from us, but the sorrow and sense of loss of their loved ones—of all of us—remains.

Many question the Vietnam War. Nobody questions that these young men died for something in which they believed—their country. If there is any small consolation that I can offer to their loved ones it is this—although death must come to all of us, of very few can it be said that they died for something as precious as their country—our country—the United States of America.

I am proud as a Congressman to have had the privilege to represent, and to share in honoring, these splendid young Americans, and I congratulate the Hereford High School students who arranged this ceremony.

PLAQUE PRESENTATION BY LORETTA TENNEY,
STUDENT COUNCIL REPRESENTATIVE

At this time on behalf of the Student Council I would like to present this Commemorative Plaque to the school. It bears the following inscription: "In memory of our men who lost their lives in Vietnam".

The plaque will be placed on a table in the lobby to be viewed by those in attendance today. Within the next few weeks the plaque will be permanently affixed to a wall in the lobby or nearby vicinity.

CAN AMERICA PAY COMMUNIST
CHINA'S PRICE?

HON. JAMES H. (JIMMY) QUILLEN
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. QUILLEN. Mr. Speaker, in the past week we have had major pronouncements pertaining to Far Eastern affairs and the U.S. role in them.

A letter from one of my constituents, Prof. Wen-Yen Tsao, professor of East Asian studies at Milligan College in my district, recently appeared in the Johnson City Press-Chronicle. Professor Tsao makes some interesting observations regarding our coming relations with Red China.

I would like to make available his very thoughtful letter, expressing the views, I believe, of many experts in Far Eastern affairs, as well as a significant portion of the Chinese community outside mainland China:

[From the Johnson City (Tenn.) Press-Chronicle, May 27, 1971]

CAN AMERICA PAY COMMUNIST CHINA'S
PRICE?

Editor: The much-reported ping-pong diplomacy seems to have brought about a sudden transition from enmity to warmth for the American people on the part of the Peking regime.

The Chinese Communist hierarchy, as a totalitarian regime, can of course turn on or off enmity toward any country it chooses to hate. The anti-Americanism on the mainland of China during the past two decades was evidently artificially created. But Peking cannot create genuine warmth between our two nations overnight; it cannot turn on the electric light without power from the generator.

No one who has some knowledge of modern history of China can deny the fact that of all the imperialist powers who impinged upon Chinese sovereign rights America was the least sinful. In the long history of Sino-American relations since the "Empress of China" sailed into the harbor of Canton in 1784, America never behaved like international gangsters, robbers and thieves as the British, the French, the Russians, or the Japanese. For one thing America never had any territorial designs on China. The good will and friendliness and practical aid to the Chinese people knew no bounds. Whenever China was in trouble, America was the only country the Chinese people could look to for sympathy and help.

WARM PLACE

There is hardly any questions that in the heart of many an American there is a place especially warm for China—the China he learns to admire, respect, and love; the China of Confucius, Lao-tzu, Mencius, Chung-tzu and many other sages; the China of a continuous cultural heritage of 4000 years; and the China of countless human sufferings and yet the same of indomitable spirit that perpetuates and glorifies her.

Unfortunately today we are talking not of the friendliness between our two great nations—a friendliness that is natural and traditional and therefore can never be suppressed or stifled; but of the wisdom and tact of dealing with a Communist hierarchy and its rulers in the former forbidden city of Peking—a group of leaders who are so un-Chinese that they cannot be surmised, appraised, or rationalized by the criteria with which we are familiar.

WHAT DO WE GAIN?

In the prospect of a possible detente between Peking and Washington the vital question therefore boils down to this: "What does America stand to gain from its overtures to Peking?"

In a long-range view the rhetoric of the White House and the State Department holds that the prospective detente would lead to frequent and constant dialogues with the Peking regime through normal diplomatic channels, thus forestalling further deterioration of relations between the two governments and lessening the possibility of a serious confrontation. It should be understood, however, that Peking has assumed the role of the leader or savior of "all countries and peoples who are subject to aggression, control, intervention or bullying by American imperialism and socio-imperialism." It simply cannot afford to accommodate its arch-enemy unless on its own terms.

Granted the thaw in Peking-Washington relationship could have some salutary effect of easing world tension, what price is the Nixon administration expected to pay?

In the first place, all American forces in Indochina must be completely withdrawn in a limited period of time. If this is the price to pay, it is tantamount to presenting South Vietnam on a silver platter to Hanoi. Are the colossal sacrifices in lives and money (to date the war has cost more than 54,000 deaths and no less than 127 billion dollars) all in vain?

In the second place, all American forces in the Far East, especially those committed to the Republic of China under the Mutual Defense Treaty of 1955, must be withdrawn. If this is the price to pay, who in the world will ever take seriously American promises and commitments sanctified by treaties? Need we be reminded that "treaties made under the authority of the United States are the supreme law of the land"?

In the third place, the Peking regime must be admitted to the United Nations as the sole representative of China. In this respect the American formula, the so-called "two-China" policy, envisages the admission of Peking as the mainland representative with the permanent seat in the Security Council, while the Republic of China will be allowed to remain in the world body as a representative of one part of China. This formula is entirely impracticable simply because Nationalist China "will never tolerate the sight of the thief under the same roof of the world organization."

IS IT JUSTICE?

Is it justice to reward the condemned criminal with honor and penalize the faithful and loyal by expulsion? To borrow a Baconian expression: "We shall put an evil precedent on ourselves and our posterity." Should this happen, it may well be the beginning of the end of the world body.

If Machiavellianism stands for democracy, Nixon, having some of the best cards in hand, ought to know how to play them. Need he throw away the cards in order to conclude the game in defeat?

FALSE HOPES ARE BOON TO HANOI

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BRAY. Mr. Speaker, the following editorial from the June 12, 1971, San Diego Union, "False Hopes Are Boon to Hanoi," was received in my office and I submit it here for the attention of my colleagues.

The encouragement that has been provided the enemy by the citizens of our own country has long been of concern to me and I believe it is particularly critical when it involves the well-being of our MIA's and POW's.

The editorial follows:

[From the San Diego Union, June 12, 1971]
CLIFFORD SWALLOWS RED BAIT—FALSE HOPES
ARE BOON TO HANOI

Americans who believe that they excel in gauging a public mood and making sophisticated appeals to it are pikers compared to North Vietnam, a primitive nation in terms of world communication.

So far as Vietnam is concerned, Hanoi already has one scalp on its belt—France. The French lost the war in Indochina because Hanoi was able to sap the will and resolution of the French people by skillful and continuous attacks upon the Gallic emotions.

Now, apparently believing that it is time to move in for the kill, North Vietnam is increasing the tempo of its campaign that plays upon the most vulnerable emotion of the people of the United States of America—our concern for our men held captive by the Communists.

They have succeeded in landing some big fish. Former Secretary of Defense Clark Clifford, for example, now is saying that he believes Hanoi will release all Americans it is holding within 30 days after we and they jointly announce that we will remove all of our forces from Indochina by Dec. 31. He also believes that they will not interfere with our withdrawal. Clifford's authorities are anonymous.

As anticipated, this aroused a political flurry in the United States that reached the highest levels. It was encouraged by cryptic public statements in Paris by Communist negotiator Xuan Thuy, who said that he was willing to discuss the issue of American withdrawal even if the present regime in Saigon remains in power—a seeming concession.

The realities came home to roost on the following day. Officially, North Vietnam said that its position on prisoners had not changed; that if the United States were to disengage completely from Indochina, the Communists would be willing merely to "discuss" the issues. Later, in Paris, Mrs. Nguyen Thi Binh, head of the Viet Cong delegation, added that the Communists would be willing to "examine" the prisoner question if we withdrew completely from the Indochina scene.

In short, North Vietnam is willing to discuss a ransom after we make the final concession that we can make. Hanoi is sure that once we established a definite date for total withdrawal, the national mood would not permit that it be revoked even if our prisoners were mistreated.

For his part, Mr. Clifford is suggesting that we give up our last bargaining point. Once we established a withdrawal date, the Communists would delay agreeing to the "joint announcement" from week to week, until Dec. 31 arrived. Then Hanoi would simply say, "No dice." Our withdrawal would be complete and nothing would stand in the way of their asking for extortionate reparations—with our helpless prisoners still as their blue chip.

Solutions to the war in Vietnam, and negotiations for the return of American prisoners of war, simply cannot be managed by private individuals, motivated by political or other purposes. Such statesmanship should be in the hands of responsible public servants who have the facts at their disposal and the experience to apply them.

The compassion Americans feel for fellow citizens who are held prisoner is understandable. However, it should not make us fall victim to false hopes that can only hurt those whom we seek to help.

THE FANFARE OF TECHNOLOGY:
NOISE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RYAN. Mr. Speaker, modern technology has furnished its own fanfare—an ever-increasing din that disturbs our sleep, interrupts our conversation, creates anxiety and annoyance, and adversely affects our physical and mental health.

Our cities have been saturated with a riot of sound. Urban residents are continuously assailed by the roar of traffic, the blare of horns, the shriek of sirens, the staccato of jackhammers, the banging of pile-drivers. Jets whine overhead, while subways thunder underfoot.

Nor is the home a refuge from noise. It is there that we face the grinding of garbage disposals, the noise of the dishwashers, mixers, blenders, and vacuum cleaners. It is there that we are subjected to our neighbors' radios, televisions and stereos. As homes become more and more mechanized to take the burden of labor off our hands, the burden of more and more noise is added to our ears.

In the literature of noise analysis, there is a tendency to describe noise as a necessary evil—the "price of progress." I suggest that, if noise is properly considered as in itself a danger and a nuisance, more progress will be made in controlling it. Just as for any other form of pollution, the control, reduction, and prevention of noise is a matter not of what we are able to do, but what we are willing to do.

Therefore, I have introduced a legislative package—cosponsored by over 35 Members of this House—to establish a comprehensive Federal program to combat noise pollution. This legislation—the Noise Abatement and Control Act of 1971—H.R. 6986 and H.R. 6987; the Noise Disclosure Act—H.R. 6988 and H.R. 6989; the Occupational Noise Control Act of 1971—H.R. 6990 and H.R. 6991; and the realistic, effective means for the control, Appropriations bill—H.R. 5043, H.R. 6984, and H.R. 6985—would provide a realistic, effective means for the control, prevention, and abatement of noise.

Two of these bills—the Noise Abatement and Control Act of 1971 and the Noise Disclosure Act—are currently the subject of hearings conducted by the Subcommittee on Public Health and Environment of the House Interstate and Commerce Committee.

The Noise Abatement and Control Act of 1971 would greatly expand the functions and responsibilities of the Office of Noise Abatement and Control which has been established within the environmental protection administration as mandated by title IV of the Clean Air Act Amendments of 1970. It would establish means for the effective coordination of all Federal activities relating to noise; establish noise standards; support noise research and control programs at all levels of Government; establish a Federal procurement and contracting policy which would lead toward a quieter environment; and establish a Noise Control

Advisory Council to provide expert advice on noise and its control.

The Noise Disclosure Act would require the disclosure of the operational noise level of machinery distributed in interstate commerce in order to afford the consumer the opportunity to take noise into account as a factor in making his purchase decision.

For far too long, noise has been the stepchild of the environmental movement. The hazards of excess noise no longer be overlooked. The time has come for a concerted, comprehensive Federal program to combat the very serious dangers of abusive noise. It is my firm belief that the enactment of the Noise Abatement and Control Act of 1971 and the Noise Disclosure Act would be a significant step toward such a program.

At this point I include an article by Elizabeth Cuadra published in the May 1971, edition of Sound and Vibration magazine outlining some of the efforts on the Federal and local level to combat the menace of noise pollution:

[From Sound and Vibration magazine,
May 1971]

NOISE LEGISLATION

(By Elizabeth Cuadra)

The voiced concern of the public about the environment is beginning to include noise, and this concern, together with the realization that something better is possible, is finally seeping upward into the halls of Congress and some of the state legislatures. In California, the deadline for submitting new bills to the Legislative Counsel's office is now past, and so it is a good time to report the kinds of new noise legislation being seriously considered here.

By way of background, California already has numerical noise limits for motor vehicles in its motor vehicle code, a noise exposure limitation for employees in its industrial safety code, and (under an authorizing statute passed in 1969) the first state airport noise regulation in the country, due to go into effect December 1 unless modified by the Legislature. To this list, the Legislature last year added new statutes:

Establishing airport land use commissions, Requiring the State Highway Commission to consider noise impact upon communities affected in siting highways and freeways.

Setting numerical (interior classroom noise) criteria for decisions regarding construction of freeways adjacent to public schools and placing upon the State Department of Public Works the financial responsibility for modifying or replacing classrooms if they fail to meet these criteria by freeway siting or design measures.

Requiring the State Department of Aeronautics to hold an environmental public hearing if so requested by any concerned citizen before a new airport or a former military air base begins civil operations,

Lowering the noise limits applicable to certain vehicle types,

Directing the State Department of Public Health to undertake a study of noise pollution and render recommendations to the 1971 Legislature,

Requiring all agencies of state and local government with programs affecting the environment to prepare environmental impact reports in advance of their actions.

As a result of the Public Health Department's report, interim hearings on noise held by the Senate Public Health and Welfare Committee, and the personal interest of several California lawmakers in noise problems, there is now a large number of noise bills in the Legislature, plus an "Environmental Quality Act of 1971" (which would establish

a statewide agency analogous to the Environmental Protection Agency at the federal level and whose domain would specifically include noise control). The noise bills include:

Snowmobiles: two opposing bills, one more restrictive than the other, to set noise limits for snowmobiles.

Motor vehicle noise: a package of four bills incorporating the scheduled lowering of the motor vehicle noise limits recommended by the Public Health Department's noise committee, and establishing authority for the certification of tires and replacement mufflers with respect to noise performance.

Airports and aircraft: bills placing airport expansions under the permitting authority of the State Department of Aeronautics, excluding all commercial supersonic transports from airports in the state, excluding aircraft producing noise above certain levels (intended to exclude all supersonic transports), and requesting the federal government to proceed with retrofit rulemaking to quiet much of the existing airline fleet.

Omnibus package (emanating from the Senate's interim hearings) mandating the establishment of state noise standards for all kinds of appliances, machines and construction equipment sold within the state; mandating the establishment of traffic noise criteria for residential land uses, prohibiting construction of either new housing or new freeways where existing development would combine to cause the criterion to be exceeded; requiring inclusion of a noise element in city and county general plans; mandating the adoption of state minimum standards for noise insulation in all new residential construction; and clarifying that local government may enact noise zoning to control the geographic movements of vehicles except on freeways or expressways.

Anyone desiring the numbers of any of these bills can obtain them from me, and copies of bills are obtainable from the Legislative Bill Room, State Capitol, Sacramento 95814.

At the federal level, there is also a flurry of activity on the subject of noise. The Clean Air Amendments of 1970 (signed into law December 31) mandated the Environmental Protection Agency to establish an Office of Noise Abatement and Control, authorized appropriation of \$30 million, and directed that EPA prepare a report on noise for Congress by the end of this year. This act did not give the EPA any regulatory powers in noise control, nor have any of the authorized funds ever been appropriated. Nevertheless, the EPA is now in the process of staffing to comply with the provisions of the existing statute.

President Nixon, in his February 8 environmental message to Congress, outlined certain regulatory powers he wished given to EPA, primarily to set noise standards on transportation, construction and other equipment and require labeling of noise characteristics of certain products. The Administration's recommendations are contained in S 1016 (which we expect to be the subject of hearings before the Senate Committee Committee in late May or early June), and a similar bill has been introduced in the House.

An opposing package of noise bills has been introduced in the House by Representative Ryan and approximately 35 other Congressmen (HR 6984 through 6991). These bills give considerably more authority to the EPA, specify stringent fines, provides for citizen suits; and importantly (at least to Californians) provide for the setting of more stringent standards by states, whereas S. 1016 specifically prohibits the states from adopting different standards. A comparison of these bills with the administration's bill is presented by Representative Ryan in the April 1 issue of the Congressional Record, and the proceedings of the ad hoc noise hearings (held by himself and several of the other co-sponsors in New York City in Feb-

ruary) are published in the March 30 issue of the Congressional Record.

With all the activity on the legislative front, I sincerely hope that individual citizens with professional expertise in acoustics and related fields will step forward and make their knowledge available to our legislators. There is activity afoot in the Acoustical Society of America to respond to this need as an organization, through the establishment of a Coordinating Council on Environmental Noise. Meantime, in California members of the Acoustical Society have cooperated with conservation groups, legislators and educational institutions on a volunteer basis to provide the necessary technical input. As a result of making their concerns and willingness to serve known, seven members of the Society have been appointed to the Scientific Advisory Group on Noise assisting the State Environmental Quality Study Council, others have served the Department of Public Health in drafting the report on noise to the Legislature pursuant to Assembly Concurrent Resolution 165 (1970), some have assisted the Task Force for Comprehensive Health Planning, one serves the Assembly as a member of the Assembly Science and Technology Advisory Council, and some serve the State Attorney General as members of his Environmental Task Force. It is my hope that members of the acoustical profession across the country (and our peers in law, medicine, architecture, planning and the social sciences) will play a more active role in seeing that new legislation is technically correct and provides the maximum feasible protection to "the quality of life."

SILVER ANNIVERSARY OF THE BLUE ANGELS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. SPENCE. Mr. Speaker, the coming weekend is a highly significant one, since it represents a most important anniversary. Twenty-five years ago the Navy's Flight Demonstration Team, the brilliant Blue Angels, made their first appearance in Jacksonville, Fla. Since that performance well over 100 million people throughout the world have thrilled to the precision, the beauty, and the breathtaking maneuvers, which have become trademarks of these talented men and their first-rate aircraft. In the near future I plan to introduce a resolution which will accord the Blue Angels the recognition they deserve in their silver anniversary year, and I hope that many of my colleagues will join me in this effort.

Every one of the approximately 100 personnel comprising the Blue Angel team is a topnotch expert in his field. Each is carefully screened from a long list of volunteers to insure that the team's standard of excellence will always be maintained.

Mr. Speaker, no one who has had the opportunity to witness a performance of the Blue Angels can fail to be impressed and entertained. But some may wonder about the need for such an outfit. "What does this have to do with the mission of the Navy?" some may ask. There are many answers to this question, Mr. Speaker.

For example, the "Blues" are an extremely effective advertisement for the Navy. Many people, particularly those located away from the coastal areas, have very little contact with Navy personnel. These men bring the Navy to the people—and in a dramatic way. It is a fact that no Navy recruiter has failed to meet his assigned quota in any area where the Blue Angels have appeared, not only for the month of appearance, but also for months thereafter. An overwhelming majority of Navy pilots indicate that the Blue Angels were the major contributing factor to their interest in joining the Naval air training program.

But their public relations value is not limited to this country. These men put on shows all over the world. They are truly "Ambassadors of Goodwill" for America, and in my opinion we could not have better representatives of what is great about our country.

In addition, the Blue Angels perform numerous incidental services which are not necessarily associated with their primary mission. They perform for various charities throughout the year and manage to raise between \$2 and \$5 million annually for charitable purposes. Or occasionally they will perform under the sponsorship of a chamber of commerce, for example, and have been known to bring 50,000 people into a town of 25,000. The benefits of such an occasion to a trade area are obvious.

There are many other points I could make along these lines, Mr. Speaker. But there is one service the Blue Angels render which I think is most important of all. That is, their ability to instill in all with whom they come in contact a sense of pride—pride not only in the Navy and the rest of the military, but also in the entire United States of America and all it stands for. The sensation you get while watching the Blue Angels in flight is similar to that you experience when the flag is raised and the anthem played. It is a good feeling.

These are times when it seems to be fashionable to find fault with one's country, and it is especially chic to hate and deride all things military. This is not just unfortunate. It is tragic—and extremely dangerous. The Blue Angels are doing a lot to stem the tide of sickness called anti-Americanism, and it is for this that they deserve our highest accolades and deepest appreciation.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 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 have not 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 missing:

Capt. David Roscoe Smith, U.S. Army, XXXX Dayton, Ohio. Single. Attended the University of Oklahoma and Ohio State University. The sister of Mrs. Paul Grice, Dayton, Ohio. Officially listed as missing March 16, 1969. As of today, Captain Smith has been missing in action in Southeast Asia for 824 days.

MR. TRIGG TWICHELL RETIRES
AFTER 52 YEARS WITH INTERIOR

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. PICKLE. Mr. Speaker, Texas has been fortunate to have had working for its betterment a very distinguished and widely respected hydrologist, Mr. Trigg Twichell. Mr. Twichell has led a career which has been highlighted by an appointment as a Federal Commissioner and by chairmanships of interstate commissions. He is that breed of public servant that makes this country keep on going strong. Recently, this fine expert held position with the Interior to enjoy a well-deserved retirement which I only hope will be as rewarding to him as his service has been to his State and Nation.

I would like to submit to the RECORD a June 11 Department of Interior news release telling of Mr. Twichell's many successes.

NOTED TEXAS HYDROLOGIST LEAVING U.S.
AGENCY

Trigg Twichell, 69, one of the leading authorities on the water resources of Texas, is retiring from the U.S. Geological Survey, Department of the Interior, having served the agency 52 years.

A native of Austin, Twichell has dedicated his entire professional career with the Survey to evaluating, describing, and researching the water resources of Texas. In recent years he has served as Texas District Chief for the USGS Water Resources Division, Austin, and the Survey's Regional Representative on the Department of the Interior's Southwest Field Committee.

In 1955, President Eisenhower named Twichell as Federal Commissioner and Chairman of the two interstate commissions that drew up compacts for allocating waters of the Arkansas River, (1) between the States of Kansas and Oklahoma, and, (2) Oklahoma and Arkansas.

Twichell was born on June 24, 1901. He began his career with the U.S. Geological Survey before completing high school, and continued in a part time status until his graduation from the University of Texas with a B.S. degree in Civil Engineering in 1925.

Following a number of years in the field, he was assigned as Office Engineer and Assistant District Engineer in 1929. During the 1940's he assisted the District Engineer in the planning and execution of surface water investigations in Texas, and also, Twichell prepared and delivered a series of lectures on Texas water resources at summer schools of Texas colleges and universities—for which he received special commendation from the Secretary of the Interior.

The hydrologist is a licensed Engineer of Texas, a charter member of the Texas Society of Professional Engineers, a Fellow of the

American Society of Civil Engineers—and its Austin Branch, and the Texas Section, a member of the American Geophysical Union, Chi Epsilon (Honorary Civil Engineering Fraternity) and the Engineer's Ramshorn Club of the University of Texas.

He has authored more than 50 technical papers and reports on hydrology and Texas water resources.

Twichell and his wife, the former Fannie Eisenlohr, reside in Austin, at 1317 Arden Wood road.

THE BALTIC STATES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GARMATZ. Mr. Speaker, Americans of Baltic origin or descent and their friends will mark some sad and some glorious anniversaries during this month.

First, the Baltic States were overrun by the Soviets 31 years ago; second, 30 years ago Lithuanians were successful in their revolt against the Soviet Union; and finally, the Baltic peoples have lost more than one-fourth of their population during 31 years of Soviet terror and occupation.

I, once again, urge the administration to implement legislation by bringing the Baltic States' case before the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia, and Estonia.

I would like to include the following essay prepared by the Lithuanian American Community of the United States of America, Inc., at this point in the RECORD, along with a copy of House Concurrent Resolution 416, of the 89th Congress, which was unanimously passed by the House and the Senate:

SELF-DETERMINATION OF THE BALTIC PEOPLES— RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it

should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country; freedom and independence were restored and a free government was re-established. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House

committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people; Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

CHARTING THE ROAD AHEAD

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. WYMAN. Mr. Speaker, how many times have youngsters in high school

and young men and women in college expressed uncertainty concerning what they wanted to do in the future? How often it is not so much that they do not want to be enthusiastic about developing a vocation but more that they are just not sure what vocation effort to make, or what they really want to do with their lives. Each person is an individual. Each, besides having a different face, has widely varying aptitudes, some of which may remain unrecognized by the young man or woman even into college years. Some may not belong in college, and some who may not be so inclined should be encouraged to attend.

Early in the formative years there should be standardized aptitude testing of all our young people. These tests would not take more than a few days but they would be enormously helpful in pointing out the rocks and potholes of their road ahead. In many instances they would clearly indicate some roads that may not be passable as a matter of physical or temperamental limitation.

In this connection I find the following editorial by the distinguished senior editorialist of U.S. News & World Report, David Lawrence, to be significant. I believe legislation to implement Mr. Lawrence's suggestion should be enacted by this Congress and I am readying same for introduction next month.

The article follows:

HOW TO CURE A MAJOR CAUSE OF UNREST
(By David Lawrence)

We have seen on campuses and elsewhere disorderly "demonstrations" which have been composed primarily of young people. We have wondered why so many of them have recently disregarded discipline.

In a number of instances, the answer is to be found in their unhappiness, sense of despair and frustration. For their long-range objectives are uncertain. They don't know what occupation or profession to prepare for, or what courses to take in college. They are not sure of themselves. They need advice.

This problem has been recognized by scientists who say that tests should be applied to determine what are the attributes the individual possesses—the aptitudes that each person is born with. For their is no such thing as "acquired" aptitudes.

Research organizations have found that, by testing young people and indicating to them the courses of study they should select and the profession or occupation they should later follow, a distinct change in the youngsters' morale becomes apparent. They begin to feel they have definite objectives, and they can go ahead with a firmness of purpose and a sense of assurance they did not have before.

These tests have been for many years utilized successfully by the Human Engineering Laboratories, which were set up by the Johnson O'Connor Research Foundation. While this non-profit organization has branches in some of the major cities, it could not possibly deal with the students in all of the high schools. What is needed is a project that would be undertaken by every State government.

The State of Washington, for example, has a system designed primarily to test those who are planning to go to college. Some other States have employment offices utilizing examinations of the aptitudes of job seekers. Seniors in high school could be allowed to obtain these tests. They are similar in principle to the ones used by the Human Engineering Laboratories.

Employment agencies operated by the States could be especially equipped to make

available these tests to high-school seniors so they could have their "born attributes" measured, and thus be guided to the professions or occupations for which they are best fitted.

Such testing facilities could certainly be added to the employment agencies of the States at relatively little cost. It would mean a great deal to the youth of the country. Many of the boys and girls might not go to the type of college they previously had in mind. Others might not even go to college, as their aptitudes might indicate abilities already achieved which could be used in certain occupations. The dean of one mid-western college said to a friend not long ago, as he pointed to the campus: "Half of the students out there have no business in college at all." The reference, of course, was to the fact that many would do better if they were working at suitable jobs.

As this writer said in the July 21, 1969, issue, students frequently take courses of study with which they are later bored. The editorial added:

"Nothing tends to create more restlessness and uncertainty in the mind of a young man than to take specific studies without knowing where he is headed. A large proportion of the students are taking the wrong courses. When they graduate, they will have no more idea of the profession or business for which they are suited than they had before entering college."

A comment was made about aptitude testing, and a quotation by an expert in "human engineering" was given. He explained it this way:

"First, it is an attempt to separate knowledge—acquired facts—from born gifts. Every unused gift causes restlessness and dissatisfaction with oneself. Most paper-and-pencil tests and most school marks depend on the paper-and-pencil aptitude.

"We can now measure 19 of these separate gifts. The average college student has nine or ten. . . .

"So long as the average college student has nine or ten separate aptitudes and uses only one—the paper-and-pencil aptitude—there is bound to be restlessness."

Aptitude tests require only two or three days for completion, and the results are readily comprehended. It is unfortunate that the detection of aptitudes is not being tackled more extensively. Some tests have been in use for over 35 years.

The States should authorize their employment agencies in various cities to participate in solving the entire problem. Students should be examined to discover what category they would be qualified for and, in what courses they should specialize if they go to college.

For today, as has been said on this page again and again, aimlessness and frustration and restlessness are making many young people receptive to mob psychology, as they yield to incitements by agitators and activists bent on creating disturbances in our country.

STATEMENT OF JOHN CARSON BEFORE SENATE APPROPRIATIONS COMMITTEE

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BIESTER. Mr. Speaker, Mr. John T. Carson, Jr., director of the Division of Natural Resources of the Bucks County Planning Commission recently testified before the Senate Appropriations Committee on Appropriations for the Soil Conservation Service. I would like to take

this opportunity to commend Mr. Carson's statement to my colleagues in the House and insert it in the RECORD at this time:

STATEMENT OF JOHN T. CARSON, JR.

Beginning in 1962, the Bucks County Commissioners, together with the Commissioners of neighboring Montgomery County and the Soil and Water Conservation Districts of both counties, undertook a series of water research development studies for the Neshaminy Creek Watershed, whose 236 square mile drainage area encompasses 40% of Bucks County, and 36 square miles in Montgomery County. Thirty-four municipalities in the watershed joined in a request to the Soil Conservation Service, United States Department of Agriculture, to conduct an investigation under Public Law 566, to determine the economic feasibility of providing flood protection in this rapidly urbanizing basin which had suffered approximately \$5 million damage in the hurricane floods of 1955.

The Commonwealth of Pennsylvania, through its Department of Forests and Waters, cooperated by carrying out a detailed study of water supply needs and how best to meet them in conjunction with the flood control study being carried out by Soil Conservation Service. As part of the water supply study, a detailed analysis was made of the need for water based recreation development and the possibilities of incorporating the provision of outdoor recreation opportunities into the plan. In addition, the Pennsylvania Department of Health, with the assistance of the Bucks County Department of Health, conducted a very detailed study of present water quality conditions, together with an analysis and prediction of what might be expected to happen during the next fifteen years.

These three sets of studies were coordinated by the Neshaminy Valley Watershed Association, a non-profit citizens group, which had been appointed as the official agent to act on behalf of Bucks and Montgomery Counties to insure that the maximum degree of cooperation was achieved by all agencies and interested parties. In all, during the four years following 1962, forty-two different agencies contributed their expertise to what resulted in a completely integrated water resource development program for the Neshaminy Creek Basin, a program which is designed to insure the maximum benefits from flood control, water supply development, recreation development, stream water quality improvement, and improved land use control to prevent erosion, sedimentation, and pollution.

This program, which consists of the proposed construction of ten reservoirs, three county parks, (two in Bucks and one in Montgomery County), a water supply filtration treatment plant and two pumping stations, is presently estimated to cost in the neighborhood of \$40 million. This estimate does not include the cost of drastically upgrading the sewage treatment plants to approximately 90% B.O.D. reduction and removal of phosphates. The sewage upgrading is a separate program and is presently being undertaken by the owners of the sewage treatment plants.

In May 1966, since the signing of the Watershed Work Plan Agreement by Bucks and Montgomery Counties, their Soil and Water Conservation Districts, and the Soil Conservation Service, U. S. D. A., the following developments have occurred:

- (1) The Watershed Work Plan has been approved by both Houses of Congress.
- (2) The Work Plan has been declared operational by the Soil Conservation Service.
- (3) Bucks County has acquired land rights to approximately five thousand acres or 90% of the land needed at a cost of approximately \$12 million.
- (4) Engineering has been completed on one multi-purpose reservoir designated as

PA-617 on the North Branch of the Neshaminy Creek.

(5) Engineering is 80% completed on the second multi-purpose reservoir designated as PA-620 on Core Creek.

(6) Construction is underway on a flood control reservoir designated as PA-612 on Robin Run.

(7) Engineering has been completed on one of the larger flood control reservoirs designated as PA-616 on Pine Run.

(8) Cooperative Agreements with the land owners have been obtained by the Soil Conservation District on over 50% of the drainage areas of the four reservoirs mentioned above, in which the owners agree to work out a plan with Soil Conservation Service assistance for reducing soil erosion losses from their properties.

During fiscal 1972, we will be ready to start construction on Reservoir PA-617 on North Branch. Bucks County has invested approximately \$1,800,000 in the land rights for this reservoir. At the time the second Supplemental Watershed Work Plan was agreed upon in 1969, the estimated construction cost was \$2,119,430, of which the federal share is \$678,885. The local share of the cost of construction, estimated at \$1,440,545, is presently invested and available immediately as soon as federal funds are forthcoming. Unfortunately, the rate of return on these invested funds is approximately only one-third of the annual increase in construction costs. I therefore urge you, gentlemen, to do your part in insuring that there be no further delays in constructing this reservoir. In addition to the protection it will give in times of flood, the water supply storage is vitally needed for domestic, industrial and commercial use in the rapidly developing central areas of both Bucks and Montgomery Counties.

Beginning in 1973, this reservoir is expected to provide 11 million gallons of water per day, with an eventual usage in the year 2010 in the neighborhood of 150 MGD. We can see no other possible source of water supply. The planning and development of the entire area is dependent upon this project.

Similarly, we will be prepared to start construction of the multi-purpose Reservoir PA-620 in fiscal 1972. Here the total cost was estimated in 1969 to be \$1,045,579 with the federal share \$468,451 and the local share \$577,128. This money is likewise in hand and ready to be used as soon as federal funds are available.

Monies for relocation of roads and utilities for these two vitally needed reservoirs are already in hand and available as soon as required.

In all, Bucks County, through the Neshaminy Water Resources Authority, a financing and constructing Authority with a lease back operational agreement with Bucks County, has borrowed \$23 million in bonds to finance this project.

I doubt if there is any project of similar magnitude being undertaken in any other county in the United States as part of the Public Law 566, the Watershed Protection and Flood Prevention Act program.

For our part, the local people are also ready to initiate construction of a fourth Reservoir PA-616, during fiscal 1972. This will add at least an additional \$300,000 to the federal funds needed for the Neshaminy Watershed Project during fiscal 1972. This means that the federal funding which will be required during fiscal 1972 will be in excess of \$1.5 million in order to match the efforts and money put into this program by the local people and to keep the program moving on schedule.

It is my understanding that, in Pennsylvania alone, there are 23 watershed projects authorized for operation in which 110 flood prevention dams are contemplated. It is my further understanding that the federal administration has recommended an amount

of \$75.8 million for watershed construction funds, under Public Law 566. If the \$75.8 million were to be distributed equally among the fifty states, it would provide Pennsylvania with \$1,516,000 for fiscal 1972.

I submit that this is wholly inadequate to do the job and strongly recommend that the appropriations be increased to a minimum of \$100 million.

**PRESIDENT'S INITIATIVE LAUDED
IN PREPARING ALL-OUT EFFORT
TO MEET ENERGY NEEDS**

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. COUGHLIN. Mr. Speaker, as the enormity of our dilemma in developing adequate and clean power sources begins to dawn on the country, I think it only right that we acknowledge President Nixon's outstanding contribution in recognizing the scope of the problems and proposing an all-out effort to solve them.

Mr. Nixon is, in fact, the first President publicly to portray the extent of the growing crisis in our energy sources and to present a program of government and private industry cooperation to meet our increasing demands for power. The President's concern with adequate and clean power source demonstrates leadership and foresight.

I think it is only one facet—but a critical one—of his deep commitment to solving domestic problems that threaten to worsen to the crisis point within the next several years. His statement provides a clear delineation of our energy dilemma coupled with practical plans to begin meeting the challenges.

President Nixon's message to the Congress on our energy situation certainly must be regarded as a vitally important proposal on the homefront that has widespread ramifications for our domestic needs directly, and for our defense potential indirectly.

Growing blackouts and brownouts are symptoms of our failure to prepare to meet escalating demands for power. The President has properly pointed out in terms of higher prices and power shortages what will develop in this country if we fail to study and create new energy sources. I think we also should be aware of the possible effects of power shortages that could seriously impede our defense capabilities in this continent.

The President's call for some \$100 million to start the power development program is one which I wholeheartedly endorse. Mr. Nixon has properly placed the primary emphasis on private industry for research and machinery, but also has charted a key role for the Government. In addition to the increased funds, the President proposes a single agency within the new Department of Natural Resources to handle energy matters. I support this proposal also.

I feel the President realizes that nuclear energy appears to be our best possibility at present, but is cognizant of the environmental considerations. In the last session of the Congress, Mr. Nixon again

displayed his leadership and concern in his message on the environment—again he was the first President to devote so much thought and planning to bettering protection of our precious air, water and land resources.

The President's action is especially gratifying to me since I have felt that we need a National Energy Policy and a national commitment to develop an unlimited pollution-free source of power by 1980. I believe this commitment must be of the magnitude of those expended in splitting the atom and putting a man on the moon.

I hope the Congress will move swiftly to help implement the President's proposals. I fear there already has been too much delay in moving to resolve the complex task of providing adequate and clean sources of energy to meet the needs of an industrial nation of some 204,000,000 people. We can afford no further delay and I urge my colleagues to encourage congressional action just as quickly as possible.

MANY THANKS, JUDGE FASOLI

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. ROE. Mr. Speaker, the dignity of our courts, in our courts and, most important, for our people continues to be upheld by the Honorable Judge Alexander E. Fasoli of my congressional district and I would ask you and my colleagues here in the House to join with me in applauding the outstanding example he has displayed in administering justice in our courts.

Judge Fasoli, in his own words, is "a country lawyer and an old-fashioned judge who travels the circuit and wants to continue to be of service to his community and country." He has served as a practicing attorney for 31 years, has been counsel for the Hawthorne Board of Education for the past 24 years and has been serving as a judge in our municipal courts for the past 7 years. He has studied at Fordham University, received his B.A. degree from the University of Pennsylvania and his LLB from the John Marshall School of Law. As a result of the tragic loss of one eye, he went into semiretirement and presently serves as a municipal judge in the New Jersey communities of Midland Park, Wayne, Oakland, Wyckoff, Hackensack, and Glen Rock.

I would like to share with you the following editorial that appeared in the May 3, 1971 issue of the Herald News of Passaic, N.J., one of the State's most prestigious newspapers, on an incident involving the flagrant use of obscene language at a public town meeting where Judge Fasoli had the courage to stand up and apply the justice of our courts to help stem the tide of the permissiveness and disruptions in our way of life that appear to be gaining acceptance throughout our country under the guise of freedom of expression not only contravening the laws of the land but by the action taken attempting to force the will of one

on others assembled in peaceful and purposeful conference, transgressing the rights of all others.

In this time of national crisis in our Nation's history, the integrity and vitality of our courts, in my judgment, can very readily be the determining factor in the preservation of our representative democracy—and I think you will agree with me that it is most reassuring to know that there are just men like Judge Fasoli in the legal profession who are not only capable and adroit in the knowledge of law but also have a genuine deep interest, compassion, and concern for our people. We take this opportunity to extend our deepest appreciation to Judge Fasoli for his contribution over these many years to the quality of our way of life.

The editorial follows:

THANK YOU, JUDGE FASOLI

Municipal Judge Fasoli of Midland Park has earned the thanks of the public. Sitting temporarily in Wayne Municipal Court, he found a young dissenter guilty of using obscene language at a meeting of the Wayne Township Council during a hearing on an anti-loitering ordinance in January.

Instead of a tap on the wrist, Judge Fasoli imposed a three-month jail sentence and a fine of \$110. The young man may appeal and inasmuch as he was represented in court by a representative of the tax-supported Legal Aid Society, he probably will appeal. In the meantime, however, the young man and his supporters will have something to think about.

In an interview after his arrest at the council meeting, the defendant said he "called out what many conservative-minded individuals consider to be an obscenity. My comment was not intended to be offensive. . ."

That is impossible to believe. Obscenity is popular with young activists because they have discovered what longshoremen have known for ages. Obscenity upsets persons who were brought up to believe that the use of obscenity is a deliberate, provocative insult to those within hearing. It still is.

Judge Fasoli cut through the legal rhetoric with his comment that "the defendant did utter an obscenity which was heard and the statute was violated."

No hair-splitting there. The law was violated, and Judge Fasoli imposed what he thought was an appropriate, useful penalty. That's the way it should be done until the discussion of public issues in public places can be conducted with what Judge Fasoli listed as "forbearance, tolerance and understanding." No reasonable person will quarrel with that.

REAL PROBLEMS AND IMAGINARY SOLUTIONS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MIKVA. Mr. Speaker, legislators continually demonstrate the wisdom of the sage who mused:

Legislatures frequently offer real solutions to imaginary problems, and imaginary solutions to real problems, but they never seem to get around to providing real solutions to real problems.

Recently, the Illinois State Legislature passed a bill to increase the minimum sentence for armed robbery and other offenses committed while armed.

Crime is a real problem. The use of handguns in the commission of crime is a frighteningly real problem. But the Illinois State Legislature has come up with an imaginary solution which will do little more than gain a few votes here and there, and satisfy the legislators themselves that they have taken another strong step against crime.

Experience has shown beyond question that the longer the sentence, the more likely it is that the individual will commit a serious crime once he is released. Our correctional facilities do not correct. They do not rehabilitate, at least not in the case of long-term offenders who are removed from society, from their families, from any possible ties to normality or morality. Long term incarceration has one predictable effect on the prisoner: it destroys any chance for self-esteem, for pride, for adjustment to normal life upon release.

Nor does the threat of longer sentences provide an effective deterrent. Few criminals expect to be caught, so the results of getting caught weigh little on the mind. Furthermore, few criminals are caught and brought to trial, so the threat of a few extra years in jail has little effect.

The principal danger in fatuous legislation such as this is that it provides a pretense of efficacy. It enables all involved to go home satisfied that they have done what they could to deal with the problems of crime, while the problems rage on unaffected.

RESPONSES TO CONGRESSMAN HOGAN OF MARYLAND'S RECENT QUESTIONNAIRE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. HOGAN. Mr. Speaker, in January of this year I mailed to my constituents a questionnaire. The response was overwhelming, and I have recently sent out the results in the form of a newsletter.

Because of the pertinent nature of the response, I insert this newsletter in the RECORD for my colleagues' perusal:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May, 1971.

DEAR FRIEND: In January I sent you a questionnaire asking for your opinions on the most pressing issues facing us today.

I am pleased to report that your response was overwhelming. I received 27,756 replies to this mailing compared with 11,864 completed questionnaires returned on my previous poll.

Each of these questionnaires was individually tabulated and I personally read each one where a personal note was included.

I would like to take this opportunity to thank all of you who took the time to respond. I feel that this is the best way to learn your views on pertinent topics, enabling me to better serve you.

This newsletter describes the results in detail, and I want you to be assured that I will keep your views in mind as I tend to the duties of being your Congressman.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

RESPONSES TO CONGRESSMAN LARRY HOGAN'S RECENT QUESTIONNAIRE

1. Do you favor the busing of school children to achieve racial balance?

Yes, 9%; no, 88%; undec., 3%.

I am strongly opposed to school segregation, but I have also been opposed to busing children out of their home areas merely to achieve racial balance.

The problem in mixing education with racial prejudice is that everyone suffers. In my opinion, it makes absolutely no sense to bus children from an all-black school to an all-white school for the purpose of bringing the races together when, at the end of the day, the Negro children are bused back into an all-black neighborhood.

2. Do you favor stronger laws to control pornography?

Yes, 65%; no, 28%; undec., 7%.

Although for years I have noted with concern the increasing availability of pornographic and obscene literature and films, since coming to Congress I have become even more aware of the increased proliferation of this type of material and its availability not only to adults but to children as well.

Legislation which I sponsored and which was approved by a committee on which I serve—the Post Office and Civil Service Committee—resulted in the Postal Reorganization Act.

A provision of that law, which went into effect on February 1, 1971, prohibits the mailing of pornographic materials to those who do not wish to receive them. In order to protect oneself from being the recipient of such material, an individual must merely fill out PS Form 2201 and return it to the Post Office, where his name will be added to a list of those with a similar request.

Another piece of legislation—H.R. 1348—which I recently re-introduced would prohibit the distribution through interstate commerce of obscene material to those under the age of 16. The bill would also make the showing of pornographic movies to that same age group a violation of the law. This legislation is still pending in the Judiciary Committee.

I introduced a similar bill—H.R. 2159—which would prohibit the use of the mails to sell, deliver or distribute obscene matter to minors under the age of 17. The Post Office and Civil Service Committee has already held hearings on this bill which incorporates a definition of obscenity proposed by the minority on the President's Commission on Obscenity and Pornography.

Obviously, we cannot legislate virtue, but we can make laws against those vices which jeopardize the innocence of youth. Certainly children are entitled to that much protection.

3. Would you favor the Federal Government sharing tax revenues with State and local units of government?

Yes, 69%; no, 17%; undec., 14%.

Because of the large percentage of "undecided" responses on this question, I would like to take this opportunity to explain briefly the concept of revenue sharing.

There are two separate parts to the President's revenue sharing proposals. The special revenue sharing grants will be used in six functional areas: transportation, education, rural and urban community development, manpower training and law enforcement. The appropriation for these special grants during the first full year would be \$11 billion.

The general revenue sharing fund would provide broad general support funds with no program or project restrictions attached to the use of these funds so that local priorities and needs will govern their ultimate allocation. The Administration is asking for a \$5 billion first year funding which would give the State of Maryland \$92.5 million.

The size of this general fund will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. Thus, the revenue sharing fund will grow as the tax base grows.

I have co-sponsored the Law Enforcement Revenue Sharing Act of 1971, under which Maryland would receive \$8 million. This legislation would put more control of the Law Enforcement Assistance Administration's programs into the hands of the states and units of local government. Hopefully, this proposal would be effective in curbing "street crime" which affects more individuals than any other form of criminal activity.

4. Should Federal funds be denied to colleges which do not take steps to control violent demonstrations?

Yes, 77%; no, 18%; undec., 5%.

I vigorously condemn violence as a form of protest. Students, most assuredly, have the same right to be heard as anyone else, but they do not have the right to disrupt and destroy our institutions of learning.

It follows that those same institutions have a responsibility to the majority of their students who have come to school to learn rather than to bomb, fight and burn.

I have supported and will continue to support legislation that would prohibit giving funds to those colleges not complying with the anti-campus disruption provisions of the Higher Education Act of 1968.

The Higher Education Act halts the funding of loans, loan guarantees, grants and salaries to those individuals who participate in the use of force, seizure of property, and engage in threats at colleges and universities.

At present there is no pending legislation dealing with this specific subject before the House Committee on Education and Labor. The previous proposal died with the 91st Congress.

5. Do you favor the administration's welfare proposal (the family assistance plan)?

Yes, 42%; no, 29%; undec., 29%.

I have long advocated an overhaul of our welfare programs to eliminate inequities and find some way to give the unemployed some incentives to go to work and to receive the training they might need to qualify for available jobs.

I am particularly distressed by the significance of the growth in welfare in terms of children—more and more of whom are being caught up in the welfare cycle. Here in Maryland 72 out of every 1000 children under the age of 18 now receive Aid to Families with Dependent Children.

The Family Assistance Plan is designed to help those who are trying to help themselves, rather than discriminate against those families in which a father is present and working. Providing for the basic needs of the poor while requiring them to register for work or training to prepare them for work is certainly far better than encouraging idleness, which the present system does.

The President's program would establish a Federal minimum level of payment, uniform eligibility requirements, strong work incentives and work requirements, wage supplements for the working poor and fiscal protection for the States.

The Ways and Means Committee is considering the Social Security amendments which failed to pass the Senate last year along with this welfare legislation.

I am reserving my opinion regarding the legislation until I see what is brought to the House floor for us to vote on.

6. Do you favor weakening the laws against abortion?

Yes, 55%; no, 36%; undec., 9%.

It is ironic that some people who advocate abolishing the death penalty for criminals would permit the execution of innocent babies through abortion.

I am vigorously opposed to abortion. That fetus, whom many would so casually dispose of, is not some extraneous part of the body such as an appendix or tonsils, but a human being who should be accorded the same rights that other human beings enjoy.

"Abortion on demand" means simply that it would be legal to end one human life for the personal convenience of another human being. This cannot be right, nor should it be legal.

The problem of the unwanted child should be solved, not by killing him, but by giving him his constitutional right to life—and then putting him up for adoption.

A bill was introduced this year—known as the National Abortion Act—with a 20-week time limit. It would make a fetus, which was two weeks further along in development than the thumb-sucking one in the picture, fair game for abortionists.

I am pleased to report that a bill I co-sponsored—H.R. 4257 to curb abortions in military hospitals—received Presidential support. The problem was solved by the President administratively when he overturned a Defense Department regulation, issued last year, liberalizing abortion rules in military hospitals in contravention of existing State statutes.

I am also pleased that the Maryland State Legislature defeated a bill this year which would have liberalized the present abortion statute.

7. Do you favor federal subsidies to revive the railroad industry?

Yes, 48%; no, 34%; undec., 18%.

Our railroads are facing their worst crisis in history. The near-collapse of the Penn Central Railroad—the nation's largest single transportation company—has led to talk of everything from Federal subsidies to complete nationalization of the railroad industry.

Railpax, an industry-supported effort to save essential passenger service, was signed into law at the end of the 91st Congress. It has received \$40 million in starting funds and \$100 million in loan guarantees. Loan guarantees are the most common form of Federal assistance. Since 1958 railroads have been able to borrow guaranteed loans up to \$100 million for the buying or building of rolling stock. These loans must be repaid within 15 years.

Last December, the Congress passed legislation to provide an emergency loan guarantee to support Penn Central. Because many railroads are in precarious shape, it is likely that similar legislation will be considered by the 92nd Congress.

Both the Interstate Commerce Commission and the House Interstate and Foreign Commerce Committee are looking into the management policies of the railroads prior to consideration of pending legislation.

8. Are you satisfied with President Nixon's policy of troop withdrawal and "Vietnamization" of the war in South Vietnam?

Yes, 62.5%; no, 29%; undec., 8.5%.

During a breakfast meeting with the President prior to the most recent events in Southeast Asia, he told me he anticipated considerable press criticism, but he hoped the American people would take a long-range view of what he is accomplishing and will accomplish in Vietnam. When he took office the death-casualty rate ranged from 150 to 190 weekly. It is now 25 to 50 weekly. When he was inaugurated there were 532,500 Americans stationed in Vietnam. As of May 1 the authorized troop strength in Vietnam was 284,000. By December 1, 1971, President Nixon has pledged that there will be only 184,000 Americans in Vietnam.

The results of my questionnaire point out that 62.5% of my constituents support the President's policy of withdrawal. Interestingly enough, when I asked a similar question in my November, 1969 newsletter, only 59% supported the President's Vietnam plans.

President Nixon has pledged that he will withdraw all American troops from Vietnam and I have every confidence that he will fulfill this promise. His Vietnamization plan is working, and I am convinced that the Pres-

dent is well on the way toward ending our involvement there.

AMERICAN PRISONERS-OF-WAR

No matter what our political inclination, Americans cannot help but share a common bond in our anxiety over the fate of our American prisoners-of-war. The wives and families of these men—many of whom have endured being separated from their loved ones for as many as six years—have suffered tremendously.

Violations by the North Vietnamese of the Geneva Convention are shockingly commonplace. I recently co-sponsored a resolution protesting these violations and endorsing all national and international organizations in their efforts to affect a release of American prisoners.

I was also a co-sponsor of the resolution designating the week of March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action." Through such demonstrations of support for our men in captivity, the American people show a united front of solidarity. This is our greatest weapon against Hanoi since, in the past, public opinion has been one of the few levers able to move North Vietnam.

9. Rate on a scale from 1 to 10 the priority you think the following areas should receive in the Federal budget:

	Total
Crime control-----	28%
Defense-----	20%
Drug control-----	9%
Education-----	12%
Environmental quality-----	18%
Foreign aid-----	1%
Housing programs-----	2%
Medical research-----	4%
Poverty programs-----	5%
Space programs-----	1%

As the responses to this particular question began to come into the office, it became immediately apparent that it would be impossible to tabulate each choice from 1 to 10 because of the large number of alternatives. (The tabulation was done on a volunteer basis, not with the use of computers.) Consequently, the percentages above indicate the number of people who considered a specific category their highest priority. In other words, 28% of the people who responded to this questionnaire considered crime control their highest priority for Federal spending while only 1% considered foreign aid or space programs to be the highest priority.

I was most pleased with this particular response because I have made the fight against crime my highest priority in Congress. It gave me a great deal of satisfaction to have played a role in securing passage of the D.C. crime bill during the last session of Congress. Since the enactment of this bill into law on July 29 of last year, the crime rate in the Washington Metropolitan area has been steadily decreasing. This is due in no small part to the tough attitude toward criminal behavior which this new law sets forth.

Through my new assignment to the Judiciary Committee, I hope to have the opportunity to work on national crime bills.

A DEVOTED PUBLIC SERVANT—
MAC MYERS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. PICKLE. Mr. Speaker, I would like to comment at this time, on the occasion of his retirement, a man who has

dedicated over 34 years of his life as a public servant in the Department of the Post Office. The man to whom I am referring is Bayard McLeary Myers of Dallas, Tex.

Mac is truly the epitome of a self-made man. Upon completion of his education at Draughtons Business College at the age of 18, he went to work. After spending 5 years with various companies as a bookkeeper and record clerk, he entered the U.S. Post Office. In the years that ensued, Mac progressed through the ranks from the position of postal clerk to the office of regional director for the Dallas area.

Mac has not neglected his community, either, as he has served as president of the Floresville Junior Chamber of Commerce and as the chairman of his church's commission on education. He, also, has been a member of both the Dallas Exchange Club and the Federal Government Accountants Association.

Mac has truly been a dedicated civil servant and the time which he devoted in service of this land shall not be forgotten. Men of his character and stamina are indeed but few. He truly deserves the rest which he has accrued.

SPANISH VETS DESERVE POSTAGE STAMP

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GREEN of Oregon. Mr. Speaker, an article from the Stars and Stripes—the National Tribune was first called to my attention by my fellow Portlander, Mr. Harold B. Say. It describes the current interest and activity of Maurice H. Thatcher, a former Member of this House, who is still going strong at the age of 101 years old. All of you, I am sure, will share my delight in the knowledge of the zeal and energy of one whose public services has spanned a century and whose career in the House of Representatives was but one of many distinguished achievements in a remarkable lifetime. I hope that all will join me in congratulating Mr. Thatcher and supporting his efforts to commemorate the sacrifice of the men who fought in a war fast receding in memory and history, the Spanish American War.

The article follows:

SPANISH VETS DESERVE STAMP, SAYS THATCHER

Ex-Congressman Maurice H. Thatcher, who last year was named honorary president of the Gorgas Memorial Institute of Tropical and Preventive Medicine, points out the Spanish American War had vast influence on future development of the United States. He, incidentally, is the last survivor of the commission that supervised the building of the Panama Canal. He was governor of the Canal Zone from 1910 to 1914.

Thatcher, who resides in Washington, D.C., was once a member of Congress from Kentucky. He is 101 years old, but he thinks and writes as clearly as a man 50 years younger.

He has one vehement idea; namely that Spanish American War veterans long ago

should have had a postage stamp honoring their services.

As has been frequently pointed out by the Stars and Stripes, the Post Office Department can find justification for stamps on dogs, athletes, and many other subjects, but only vague excuses for failing to issue one on the war with Spain and veterans concerned.

Following are excerpts from a letter Thatcher wrote to Postmaster General Blount on the subject of a Spanish War stamp:

"It appears that there are various appeals before you requesting or urging the issuance of a stamp commemorating veterans of the Spanish American War, or some similar designation.

"It is my judgment that such a stamp is long overdue. The Spanish American War led to achievements of the very first magnitude—not only for our own country, but for the Western Hemisphere and the entire world. Thus, yellow fever was mastered in Cuba and the Canal Zone, and this led to the building of the Panama Canal, and as a sequence, world shipping and world sanitation received invaluable results, and Cuba and the Philippines were freed.

"All in all, I believe that the benefits and scientific progress growing out of the Spanish American War have carried forward the progress of world advancement in unparalleled degree. There are few surviving members of the volunteer forces of the Spanish American War, and as these distinguished veterans have passed away, no better kind of recognition could now be given them and their deceased comrades than by the issuance of such a stamp.

Thatcher was made an honorary member of Camp No. 6, USWV of Louisville, in appreciation of his service in Congress.

A. M. Causey of Bowling Green, Ky., who also is 101 years old, has carried on a tireless campaign to get an 1898 stamp. Thatcher has worked closely with him.

THE DISASTER LOBBY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. SCOTT. Mr. Speaker, I would like to call the attention of my colleagues to an informative editorial in the June 8 Lynchburg, Va., News, entitled "The Disaster Lobby."

It was refreshing to read that, alarmists and pessimists to the contrary, at least one major news outlet considers our country to still be the best in the world by a wide margin. That is what most of us have been maintaining all along. The editorial is reprinted below in its entirety:

THE DISASTER LOBBY

There are a large number of people who, for a variety of reasons, make a career out of finding fault with this country. To hear them tell it, nothing we do is right. We're a nation of racists and drug addicts dedicated to destroying the ecology and polluting the environment.

Thomas R. Shepard Jr., publisher of "Look" magazine recently gave these people a name: "The Disaster Lobby." He suggested we take a closer look at them—and their charges.

For instance: what about their accusation that American industry is polluting the air to such an extent that we soon will suffocate for lack of oxygen?

Shepard pointed out that the National Science Foundation recently collected air

samples at 78 sites around the world and compared them with samples taken 61 years ago. The result?

"There is today precisely the same amount of oxygen in the air as there was in 1910—20.95 per cent."

The air, Shepard noted, is getting less polluted all the time. New York City's Department of Air Resources reported a year-by-year decrease in air pollutants in that city since 1965. Other cities have done the same. New York's air is far less polluted today than it was 100 years ago when people were burning soft coal.

What about water pollution?

Today's streams are not as pretty as they were before America was industrialized—but neither are they the source of cholera, yellow fever, et cetera—that those streams were. The water we drink today is the safest in the world. And progress is being made to make the streams wholesome again.

What about the recent scare of mercury in fish? According to the Disaster Lobby it came from American factories. The truth is, Shepard said, the mercury comes from natural deposits. Fish caught 44 years ago and just analyzed, contain twice as much mercury as the fish caught this year.

What about the charge that we're killing off animal species? It's true that some 50 species of wildlife will become extinct in this century. It's also true that about 50 became extinct last century. And the century before that and the century before that. According to Dr. T. H. Jukes of the University of California, some 100 million species of animal life have become extinct since the world began. It is the way of evolution.

Well, what then about the rise in drug addiction? Seventy years ago, one in every 400 Americans were hooked on hard drugs. Today, one in every 3,000 is hooked. The long-range trend is downward, not upward.

Overpopulation? The birth rate in the United States has been dropping continuously since 1955, Shepard said, and is now at the lowest point in our history.

Generation gap? A while back "Look" magazine commissioned the Gallup Poll to do a study on the mood of America. Gallup found that, on virtually every issue, the views of teenagers coincided with those of adults. On those issues where they did not, the youngsters often tended to be more conservative.

The black rebellion? It is a rebellion by a few malcontents on the lunatic fringe and does not involve the masses of American Negroes who, in that same Gallup study, revealed themselves to be staunch believers in the American system and nation.

Unemployment? The current six per cent is about par for the course. In the Kennedy Administration it was 9 per cent. Back in the recovery period of Roosevelt's second term, it reached 25 per cent. We're not so bad off.

What about the "dehumanizing" of American life by the profit system? Well, what about it? One hundred and fifty years ago, before industrialization, the average life expectancy was 38 years for men. The work week was 72 hours. The average pay \$300 per year. Housewives worked 98 hours a week; there were no dishwashers, vacuum cleaners, washing machines, electric stoves. Food was scarce and monotonous. Clothes were scarce, too. You froze in winter and sweltered in summer and there was little defense against epidemics. Chances were that most Americans then did not travel 20 miles from their homes during their lifetime. Compare those conditions to the life today, created by American free enterprise, capitalism, and industry?

Sensational charges are being continually made and "causes" are being continually made up. They are given wide publicity and support by people who make no attempt to ascertain their validity. No attempt is made to put those charges in their proper perspective.

tive. Exceptions are magnified to make them appear the norm. The people are not being informed, they are being stampeded.

Problems we have—the problems created by the strongest, wealthiest, freest nation on earth. But none of the problems are as dangerous as the "disaster lobby" itself.

NATIONAL AIRPORT'S 30TH ANNIVERSARY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. PUCINSKI. Mr. Speaker, on Wednesday, June 16, this Nation's Capital observed a significant anniversary not only for the people who live and work in the Washington area, but also for the millions of Americans who come to Washington each year on important business with the Government or to visit national shrines.

June 16 marked the 30th anniversary of Washington National Airport.

When Washington National was built by turning Potomac River mudflats to productive use back in 1941, there was many who described it as being overbuilt, as a facility that never would be used to capacity. It would be difficult to find a more striking example of faculty prognostication. But I comment upon the airport's anniversary for reasons far more important than merely pointing out the errors of the nay-sayers.

The business of this area is primarily government. This is the people's business. And people from all parts of the country must have access to us. It is extremely fortunate, therefore, for both this area and the country at large, that Washington's major gateway is the most conveniently located major airport in the country.

A 15- or 20-minute taxi ride from the Capitol Building or from downtown Washington—compare this with the trip to the airports serving other cities—trips that sometimes take longer than the span of a short-range flight.

Most of the air traffic in and out of Washington National is serving short-range State lengths. More than 53.2 percent of the traffic serves cities within 300 miles of Washington and more than 77 percent of Washington National's airline flights serve cities within a radius of 500 miles.

Among the beneficiaries of Washington National, one must certainly include Members of Congress. But far more than our own personal convenience is involved here. The people in our districts expect us to communicate with them more intensively than ever before—by letter, by phone, by wire, and by actually being back in the district more frequently. Hence, the convenient access of Washington National helps us serve our districts more effectively.

Fortunately, Washington National is a vastly improved airport over what it was even a few years ago. Since 1967, terminal capacity there has been increased by some 60 percent. The air lines serving Washington National

helped bring this about by investing more than \$15 million of their own money in new passenger facilities. Parking facilities have been improved also. Public parking space has been increased by 37 percent. Thus, we have an airport that is close in, yet less congested.

As this metropolitan area continues progress on mass transit, I have every reason to believe that the airport will be served by the new system, thus improving its access even more.

I urge that the 30th anniversary of Washington National be a time for the National Capital area to count its air transport blessings. We are extremely fortunate in having three major airports.

There is Friendship serving the entire State of Maryland, including Maryland's Washington suburbs. There is Dulles International for long-range flights, including transcontinental flights and a growing number of international flights. And there is Washington National for the short-range and medium-range flights—including Chicago.

This is a well-balanced plant for serving our air transport needs. Let us make certain that we keep and improve all three elements in this splendid airport system.

FAIR IMMIGRATION LEGISLATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BINGHAM. Mr. Speaker, it is gratifying to me to learn that a meeting of minds has occurred on how to remedy the unforeseen consequences of the 1965 Immigration and Nationality Act which resulted in unintended, drastic reductions in immigration to this country from a number of nations, such as Ireland, to which many Americans trace their ancestry.

For the past several years, I have introduced and urged passage of legislation that would establish a floor below which immigration from any country need not fall. That floor, or minimum, would amount to 75 percent of the average yearly number of immigrants from a given nation sent to the United States during a base period of fiscal year 1956-65.

I am pleased to note that compromise legislation, introduced by the chairman and several members of the Immigration and Nationality Subcommittee of the Committee on the Judiciary, includes this floor provision. I want to congratulate that subcommittee, and particularly its very able chairman, my colleague from New Jersey (Mr. RODINO), for bringing together the various officials of the executive branch who have authority in this area and devising a workable piece of legislation to solve this problem. I am today introducing legislation identical to that introduced by members of the subcommittee to indicate my firm support for it and my hope that it will be approved promptly by the full Judiciary

Committee and brought to the floor for action.

This legislation has the support of the American Irish National Immigration Committee. I have been so informed by a letter from the national chairman of that organization, Mr. John P. Collins, and I am pleased to include the text of that letter at this point in the RECORD:

AMERICAN IRISH NATIONAL
IMMIGRATION COMMITTEE,
New York City, N.Y., June 16, 1971.

HON. JONATHAN B. BINGHAM,
U.S. Representative,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Congressman Peter Rodino (D-NJ), Chairman of The Immigration and Nationality Subcommittee, has joined with Congressmen Ryan, Flowers, Selberling and Eilberg to introduce H.R. 8814.

This bill seeks to amend the 1965 Immigration and Nationality Act. It is a compromise bill which is fair and would assure a temporary solution to the discrimination which prospective Irish immigrants and others are presently faced with.

In the past our committee has supported H.R. 165. We have examined H.R. 8814 and are surely satisfied that we can support this new compromise bill. We feel it has excellent prospects of enactment into law.

We urge that you support this bill which will shortly be reported out to the Judiciary Committee.

Sincerely,

JOHN P. COLLINS,
National Chairman.

As many Members of the House are surely aware, the Irish were most adversely affected by the 1965 revision of the Immigration and Nationality Act. From fiscal years 1965 to 1967, total immigration to the United States increased from 292,000 to 326,000. At the same time, due to the new provisions of the 1965 act, immigration from Ireland fell from more than 4,000 to less than 2,000. By fiscal year 1970, the total number of Irish immigrant admissions to this country had fallen to 1,178.

Under the compromise subcommittee bill which I am introducing today, Ireland and other nations who have suffered similar reductions in immigration would be assured of at least 7,500 visas a year for the next 4 years.

I am also pleased to note that this legislation would also provide relief for potential immigrants from nations like Italy where the backlog of fifth preference—brothers and sisters of U.S. citizens—applicants has gotten out of hand, imposing cruel delays on immigrants who want to be reunited with their families in this country.

ARE THE CITIES WORTH SAVING?

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, there is a growing public awareness of the pressing need for rural redevelopment. The staggering problems of our gigantic urban concentrations are frequent subjects for media con-

cern, only reinforcing the nostalgic feelings for a return to a healthier, more peaceful way of life. Nearly 60 percent of our people now want to live on farms or in small cities, and our deteriorating central cities will certainly cause that number to increase. We must act now to assure the economic growth of rural areas that will undergird their redevelopment.

I would call the attention of my colleagues to a perceptive editorial in the Mineral Point, Wis., Democrat-Tribune in a rural area of my district. The editors capture the sense of disbelief that many Americans share over the failure to enact a meaningful rural development program which would relieve the people pressure on our larger cities. They ask for action; and to take that action is our responsibility. It is time to accept that responsibility and develop a comprehensive policy of rural-urban balance and growth.

The editorial follows:

ARE THE CITIES WORTH SAVING?

One of the most-mentioned topics in the news these days is the mess that our big cities are in. Everywhere we hear about the crowding, the crime, the lack of money to govern them, and the need for rebuilding.

All of this talk leads us to one big question which we feel should be answered before any action is taken on the problems of the cities—Is there any real need for really big cities in this day of modern technology.

We feel there is a good argument that the big cities are not needed at all. The Interstate highway makes it easy to move goods from one small or medium size city to another. There is no reason why all major corporation offices should be crowded into one small area. A computer complex in a main office in one medium size city could easily be connected with offices and factories in other cities miles away. Dozens of other ways to use modern technology to aid in the "dispersal" of the big cities could be cited. And some companies are already doing this.

Locating all offices and factories in small towns and medium size cities has big advantages. Look at the time saved in commuting alone. And people would be happier if they were not crowded.

But, what about the big cities that we already have? If we disperse the commercial centers around which they grew, we will have nothing left but dilapidated buildings and ghettos full of people who are unemployed. The cities will be in worse shape than ever.

We don't pretend to know all the answers. Current moves to aid rural development will help retard the growth of the cities. But what else?

We cannot afford to pour millions down the rat-hole of the sinking cities, yet, we cannot let them flounder as they are now doing. It will take some good minds to answer this dilemma.

THE NEED TO SUPPORT PSYCHIATRIC TRAINING

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BARRETT. Mr. Speaker, the Appropriations Subcommittee on Labor, Health, Education, and Welfare, under the direction of its very able chairman, the Honorable DANIEL J. FLOOD, has held its budget hearings. We are all aware

that this subcommittee is concerned with areas and programs of vital importance to the people of our country.

The 1972 budget proposes a cut in the National Institute of Mental Health program of psychiatric training. On June 8, 1971, Dr. Albert Stunkard, chairman of the department of psychiatry of the University of Pennsylvania appeared before the subcommittee on behalf of the American Psychiatric Association on Psychiatric Residency Training Funds. Dr. Stunkard presented very distinct, cogent arguments against the proposed cuts.

Mr. Speaker, I believe that this fine statement contains much information which should be brought to the attention of the Members of Congress and therefore ask unanimous consent that his statement be included at this point in the RECORD.

TESTIMONY OF DR. ALBERT STUNKARD

The FY 1972 Budget proposes a 6.7 million dollar cut in NIMH support for psychiatric training, the first step in the elimination, over a period of three years, of the current 34 million dollar program.

The impact of these cuts, if enacted, would cripple our mental health capability at a time of desperate and growing need. This response to the challenge of mental disorder contrasts dramatically with an earlier one. In 1946 the challenge was the vast scope of psychiatric problems which came to light during the war years. At that time, half-a-million persons were confined in mental hospitals and more than one out of every two hospital beds in the country were devoted to the care of the mentally ill. Three thousand poorly trained psychiatrists were falling further and further behind and the numbers of mentally ill confined in hospitals rose steadily.

The enlightened response of the Congress was the establishment of the National Institute of Mental Health which promptly undertook a three-fold program of training, research and patient care. This far-sighted program has paid off handsomely. It has transformed the fields of psychiatry and mental health. It has increased the number of psychiatrists from 3,000 in 1946 to 25,000 today. And it has had a dramatic impact upon the problem of mental illness.

As you will note from the attached chart, the number of patients confined in mental hospitals had been increasing by a figure of from one to two percent annually for many years. In 1955 there was a historical turning point when the patient population had reached 559,000. The following year, the first time, the number of patients in mental hospitals did not increase and, in fact, declined. This decline has continued during each of the succeeding years. By 1970 the patient population had fallen to 339,000. This decrease in hospitalized patients is the more remarkable in that it has occurred in the face of the continuing rapid increase in the population at large and, thus, in the population at risk of suffering mental illness. As the figure shows, the real extent of the achievement in reducing the number of hospitalized mentally ill is conveyed not alone by comparison with the 1955 peak of 559,000, but perhaps even more meaningfully, with a figure of 755,000 which would have been reached by 1970 had the earlier rate of growth continued:

The economic benefits are striking: (1) the saving of six billion dollars in hospital construction costs, (2) the saving of over six billion dollars in patient care costs, (3) a vast increase in the productivity of persons who formerly would have been totally removed from the labor market.

This reduction in the number of patients

in hospitals does not tell the whole story of modern psychiatry. For the reduction was achieved not alone by improvements in care within the hospitals. The community mental health centers in particular have pioneered in keeping people out of hospitals by early diagnosis and treatment, and preventing re-admission by vigorous aftercare programs.

It would be reassuring if these remarkable improvements in the care of the mentally ill had ended the need for psychiatry. Unfortunately, this is not the case. The 339,000 patients who remain in hospitals are precisely those who have been the most resistant to treatment. Furthermore, our nation is facing an epidemic of new forms of mental disorder and a vast increase in some of the older ones. Let us consider the challenge posed by the addictive diseases alone. Just as we ignored mental illness, so have we ignored alcoholism, and only now is the extent of this disorder becoming apparent:

There are nine million alcoholics in the country today.

Alcohol is responsible for over two million arrests per year for public intoxication, disorderly conduct and vagrancy. This is 45% of all arrests.

One half of all homicides and one-third of all suicides are alcohol-related.

Fifty percent of the 56,000 traffic fatalities each year involve alcohol.

The cost to industry alone is four billion dollars a year, simply from the loss of productivity caused by alcoholism.

CONSIDER NOW HEROIN ADDICTION

There are at least 250,000 heroin addicts in the country and the number is growing rapidly.

Addiction afflicts predominately the young, who, if they do not die of their addiction, have long lives as addicts before them. The Administration itself reports 30-40,000 addicts out of 250,000 troops in Viet Nam alone.

Heroin has become the leading cause of death between the ages of 15 and 35 in our larger cities.

Half of all crime in our cities is now committed by addicts. Conservative estimates place the value of goods stolen by addicts during the past year at over three billion dollars.

At most, only 10% of addicts are now receiving treatment. Yet methadone maintenance therapy, at a cost of \$1,000 per addict per year, can remove most addicts from a life of crime and return them to gainful employment.

Without energetic new programs heroin addiction will continue its explosive growth, in part because of a unique feature of the disease. Addiction is the only condition in which the victim actively seeks to spread his disease—by selling drugs to support his habit.

There are at least twice as many non-narcotic drug abusers—half a million—as heroin addicts. We have little knowledge of the long-term effects of LSD, amphetamines, barbiturates, and hashish, but we suspect that they are highly unfavorable.

The economic and social costs of the addictive diseases alone are truly staggering. And as in 1946, without vigorous new programs we will fall further and further behind.

It is at this time, which the Administration itself calls a "crisis in health care," that it proposes to cripple our mental health capability. And the proposed elimination of Federal support for psychiatric training will do just that. It will cut the number of psychiatrists in training by 36 percent, from 4,275 to 2,427.

Most of this reduction will be in the training programs of the medical schools, whose output of psychiatrists will be cut by 50%. The graduates of the medical school programs are mostly American, while most of the foreign medical graduates are trained in mental hospitals. The dramatic decrease in quantity of psychiatrists will thus be matched by an equally dramatic change in

the character of American psychiatry as it becomes increasingly the province of foreign medical graduates. This change will further damage a field which relies so heavily upon communication between doctor and patient.

Services for the poor would suffer radical reduction, since so many of these services are performed by the medical school programs.

The community mental health centers will founder for lack of psychiatrists, and the patients they are now treating in the community will flood back into the hospitals, escalating costs and compounding misery.

Why, in this crisis in health care, has the Administration proposed this reckless course? The operations researchers in the Office of Management and Budget who initiated it, admit that psychiatry will be badly hurt. They defend their course by three arguments.

1. *The Federal government is planning to support medical schools with an allocation of \$6,000 per graduate per year.* We applaud this and wish it well. It deals with the education of medical students, however, and has nothing to do with the training of psychiatrists.

2. *Physicians have used Federally-supported training to become psychiatrists and go into private practice where they get rich.* The facts are that psychiatrists devote more time to public service than do the practitioners of any other medical specialty. Fifty-eight percent of the time of all psychiatrists is spent in institutional practice, compared to only 42% in private practice. Furthermore, psychiatry shares with pediatrics and distinction of being the lowest paid of all medical specialties. If a physician wanted to make money, he would not choose psychiatry! Finally, by the OMB's logic, no part of medical training should have public subsidy, since the majority of physicians go into private practice.

3. *The Federal government does not support the training of specialists other than psychiatrists.* In the first place, this assertion is wrong. The proposed NIH budget for FY 1972 contains 152 million dollars for a variety of training purposes for specialties other than psychiatry.

The compelling reason for continuing Federal support of psychiatric training, however, is the very real savings which it has brought our health care system, and the promise of even greater savings in the future. For psychiatry is the leader in the move from high-cost treatment in hospitals to low-cost treatment in ambulatory care facilities.

Other medical specialties still carry out training mainly in hospital bed facilities, acustoming their graduates to use such facilities and thus to escalate the costs of medical care. Psychiatrists, on the other hand, largely because of Federal support, have been able to take a major part of their training in ambulatory care facilities, spending two out of three years of their training in clinics, community mental health centers and other programs outside the hospital. Thus trained, they have provided leadership for the development of innovative low-cost methods of treatment in the community, notably in the community mental health centers.

Precisely because of his progressive and pioneering approach, psychiatry would be damaged severely by the proposed budget cuts. For they would make it necessary to return their training to hospital beds, as other specialties do, to finance training, and would eliminate any further training in the community. And even this unhappy course could not prevent the decimation of the programs. It would be ironic indeed, if, in the search for minor economies, one of the most forward-looking areas in medicine were to be crippled at a time when it is needed most. The costs to our economy and to our country could be devastating.

We respectfully request that Federal support for psychiatric training be continued.

ONE OF OUR PRESSING HEALTH PROBLEMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. FRASER. Mr. Speaker, I originally received an article from Dr. Bernard Mirkin who is director of the division of clinical pharmacology in the departments of pharmacology and pediatrics at the University of Minnesota. The article recently appeared in the April issue of Hospital Practice. As Dr. Fein points out in his article, reforming the delivery of health services is more than just increasing the number of physicians. We must encourage redistribution of specialties. It is up to the Congress to address this and other problems of health care and enact legislation which will solve the pressing problems of our health care system.

The article follows:

CAN THE "DOCTOR SHORTAGE" BE SOLVED?

(By Dr. Rashi Fein)

The demand for medical services will grow by at least 20% in the current decade, owing both to increases in size of the U.S. population and to changes in its characteristics. This increased demand cannot be met solely by training more physicians or by delegating appropriately to nonphysicians within the existing system. Rather, new forms of care delivery are urgently needed to improve utilization of all personnel and facilities.

Educating more doctors will not, in itself, solve the doctor shortage. If we attempt to answer the public's demand for more medical care by that means alone—without introducing system change—we will be engaging in a false and very expensive therapy.

By "doctor shortage" what is really meant is a shortage of medical services for some parts of the population. It should be self-evident that even a sizable increase in the number of doctors is not likely of itself to bring many more to Appalachia or Harlem, where services are in such short supply. The problem is not only one of total supply but one of distribution and system change. An increase of, say, 20% in the number of physicians might mean that some patients who are already well cared for would have even more care, while the medically deprived would benefit little or not at all. Simply enlarging our medical school classes, desirable though this may be, will lead to consumer disillusionment unless it is coupled with the development of better methods of delivering medical services and of paying for them.

For many years, a neat, uncomplicated method of measuring whether things were getting better or worse has been the physician-population ratio. The trouble, as Frank Dickinson, former director of the AMA Bureau of Medical Economics, once wrote, is that, "The 'physician-population' ratio . . .

reminds one of attempts to measure supply and demand by counting buyers and sellers." Statements that we need one practicing physician for every 750 people overlook the influence on demand of changes in the health and socioeconomic characteristics of the population, of advances brought about by research, of new patterns of medical organization, of new types of personnel, and of the way government helps transform medical needs into demands by instituting new medical services or financing programs.

In projecting how the above factors might affect the demand for physicians' services by 1980, we can start with utilization figures in a study of physician visits for the fiscal year ending June 30, 1967, by the National Center for Health Statistics of the U. S. Public Health Service. A physician visit is defined as a "consultation with a physician, in person or by telephone, for examination, diagnosis, treatment, or advice. The visit is considered to be a physician visit if the service is provided directly by the physician himself or by a nurse or other person acting under a physician's supervision." Hospital inpatient visits are not included.

The study showed that the two population groups that visited physicians most often were children under the age of 5, with 5.7 visits a year, and people over 65, with 6.0 visits. Women, with 4.8 visits, averaged 1.0 more a year than men. The average for the entire population was 4.3.

At the present rate of growth, the country's population will increase to between 226 million (low estimate) and 237 million (high estimate) by 1980, a rise of 10% to 16% over 1970. The increased demand based on sheer increase in numbers would, therefore, be about 13%. The changing age-sex makeup of the population, with a slightly larger proportion of women and of people over 65, would add a small amount to this percentage increase in demand.

According to the study, persons living in Standard Metropolitan Statistical Areas (those with at least one central city of 50,000 or more) averaged 4.5 visits a year, whereas people on farms in rural areas averaged 3.3. It is generally easier to get a doctor in the city, and city people have higher incomes. But the present trend to more urbanization is not likely to have much effect on the demand for visits. In 1967, less than 6% of the population lived on farms. They will not all leave the farm, and even if they did—since they are already less than 6% of the population—the probable increase in the utilization of medical services would be only about 1.0%.

Will the number of physicians in 1980 be adequate to serve the expanded needs of the expanded U.S. population? In 1967, according to the National Health Survey, the rate of physician visits per person was 4.3. The data given in the table below suggest that if medical school enrollments increase maximally according to Carnegie Commissions recommendations, the number of physicians will permit the rate of physician visits per person to be increased to help keep pace with the increase in demand resulting from higher incomes and increase in need due to changing population characteristics.)

	1967	1980		Percentage increase	
		Low estimate	1980 high estimate	Low estimate	High estimate
U.S. population.....	192,359,000	226,000,000	237,000,000	17.5	23.2
Number of physicians.....	1274,000	1373,000	1391,000	36.1	42.7
Total number of physician visits.....	831,000,000	1,120,000,000	1,174,000,000	34.8	41.3
Number of visits/physician.....	3,003	3,003	3,003	0	0
Rate of physician visits/person.....	4.3	5.0	5.0	16.3	16.3

1 American Medical Association.
 2 Calculated from Carnegie Commission Report, "Higher Education and the Nation's Health," October 1970 (expected physician/population ratios if recommendations on expanding medical school enrollment are carried out).
 3 National Health Survey, "Volume of Physician Visits, U.S. July 1966-June 1967."

Persons in families with an income under \$3,000 averaged 4.6 visits in 1967, as did those with incomes over \$10,000. The influence of income is difficult to assess since the advent of Medicare and Medicaid has helped—as had been intended—to reduce the income barrier. In fact, the income-utilization relationship needs extremely careful examination on an age-specific basis. The proportion of older persons, who utilize more medical care, is greater in the low-income group. Thus, even though the under-\$3,000 and over-\$10,000 groups had the same per capita physician visits on the average, there still remain very wide differences in some age groups (for example, young children). Education, which is closely allied with income, showed the following pattern: When the head of the family had less than five years of formal education, the average was 3.7 visits per family member; the average was 5.0 visits in families whose head had 13 or more years of formal schooling. The expected higher levels of education and income (adjusted for inflation) for the population as a whole in 1980 could add significantly to the demand for services—perhaps adding a quarter to a half as much as population growth itself.

Lower income and education, as well as availability of care, are among the influences that give the 12% of the population who are nonwhites an average annual visit rate of 3.1 as compared with 4.5 for whites. By 1980, the situation of nonwhites is not likely to become identical to that of whites in all respects that influence the use of medical services; nonetheless, changes in the situation of nonwhites will increase the total demand for services by a few percentage points.

Of course, these numbers appear far more refined than is warranted in projecting changes since they omit the impact of changes in technology, of scientific discoveries, of Medicare and Medicaid, which increase demand (as is their purpose). They also omit possible impacts of the newly proposed Administration health programs (such as the Family Health Insurance Plan and the insurance that full-time workers might buy) or of a national health insurance program that would be universal in coverage and would operate without deductibles or coinsurance (as proposed by Sen. Edward M. Kennedy in S. 3).

In summary, and taking account of the various factors—but not taking account of legislative changes and major new programs—we can expect perhaps a 20% growth in demand for physicians' services (as defined, and it should be remembered that they need not all be rendered by physicians) between 1970 and 1980. This estimated increase in demand must be considered a lower limit, based on utilization at the present rate and at current prices. It does not reflect the reservoir of unsatisfied demand that now exists and new demands that will be created in the future. It is impossible to put numbers on these.

One factor will be the advance in medical capabilities due to research. Relatively few years ago, there was no demand for open-heart surgery or kidney transplants, because no one had shown that these procedures could be done with a fair chance of success. As people come to expect more help from the doctor, they visit him more often. They will do this even if they are incorrect in believing they have a better chance of benefiting from treatment. Physicians cannot always do as much as news stories of miracle cures lead the public to expect. But, owing to new discoveries and inventions, they can diagnose better, treat many ailments more effectively, and do more to rehabilitate many patients or to prolong their lives. This will be increasingly true in the future.

It is impossible to say what the long-term effect of advances in medicine and of changes

in the population will be. If the effect of advances should also be to make patients live longer, their lifetime number of visits is likely to go up. Conversely, improvements in prevention or cure may reduce the total number of visits by patients who have a particular disease or are threatened by it. Some of the new high-potency drugs cure disease more quickly (though they can also cause complications that require additional medical services). Weighing the various factors, it is most probable that new discoveries are more likely to increase than decrease the demands on the system.

Not too long ago, people routinely saw their dentists twice a year but their doctors only when they were sick. Now many have been educated to seek screening, early detection, checkups, and other preventive or elective services. Physicians do not agree on the value of the annual checkup. Similarly, they may not agree on the usefulness or need for physician-rendered services in other situations. Yet the public comes and seeks care, comfort, and reassurance and, historically, the physician has attempted to respond.

Whether or not all medical attention is necessary, it is probable that when highly educated people with high rates of physician visits become the majority they will set the standards for the whole community. This, too, will increase the demand for services, making it more and more necessary that a number of the services now offered by physicians be offered by well-trained individuals working under the direction of the physician.

At present, physicians work long hours, rely more and more on telephone consultations, which are less time consuming than visits, and make house calls only rarely. It is reported that many of them cannot or do not accept any new patients. Patients, therefore, flock to emergency rooms, either because they cannot afford to pay a private physician or because they cannot find one who will accept them. Others simply go without care. If we succeed in eliminating the difference between the number of visits to physicians that people actually make and the number they would like to make, that will also increase demand in the years ahead.

The factors affecting the recent rapid increase in medical care prices are many and their analysis is complex. Medical care prices rose by 4.4% in 1966, 7.0% in 1967, 6.1% in 1968, 6.9% in 1969, and 6.4% in 1970. In those same years, physicians' fees rose by 5.4%, 8.7%, 7.3%, 8.1%, and 7.1%. Some of this increase is explained by general inflation in the economy, some by the permissiveness of various payment mechanisms. Some, however, is a reflection of demand and supply relationships.

Even a sizable increase in the number of medical and allied personnel is not likely to affect the price and costs very much. Indeed, there are those that argue that an increase in personnel might retard the adoption of more efficient methods, procedures, and organization of medical care. Costs of medical care depend on price and quantity, and, in part, the physician rather than the patient decides how much care should be utilized. He is the cost decisionmaker. An increase in the number of physicians—without a restructuring of the system through incentives—can result in more, but unnecessary, care. It has been suggested that the difference in surgical operations in England and the United States is due, in part, to the fact that some patients in this country may have surgery, not because they need it but because the surgeons are available to do it.

A greater number of physicians does not, therefore, necessarily mean better care or lower prices. Nor does it necessarily mean more needed services for those who today fail to receive sufficient services. This does not mean we don't need more physicians. It does mean that we must ask what kinds of physi-

cians, where will they practice, how will they be organized and utilized, what will they be doing.

There is a shortage of services. Demands will grow (at least by 20% in the current decade). How can the shortage be met?

It would take great increases in the number of students graduating from medical school to make an appreciable dent in the shortage of services. To increase the total number of physicians by 5% within a year would require a 100% increase in the number of graduates. There has, as is well known, been a rather rapid increase in admissions to medical schools. In 1965, 9,012 students were accepted by medical schools. By 1969, the medical schools had accepted 10,514 applicants and 10,422 entered. In 1970, 11,360 students entered (a 9.0% increase). The Carnegie Commission on Higher Education has recommended that the number of entering places increase year by year to 16,400 in 1978. This would represent a significant increase in enrollment and a significant increase in the physician-population ratio. It would require expansion beyond the levels that are currently projected—approximately 14,000 students in 1974. Yet, even if the Carnegie Commission recommendation were to become reality, the percentage increase in the number of practicing physicians would be less than the anticipated percentage increase in demand for services.

The use of foreign graduates to answer our own shortage problem is not responsible behavior in the world context. It surely is not appropriate for the richest nation in the world to proceed in this manner.

An important additional factor that argues for expansion in medical education is the observation that in 1969 medical schools accepted 10,514 new students of the 24,465 who applied. Medicine remains one of the few professions in which the number of students allowed to enter the educational system is fewer than the number of qualified persons who desire to study or practice in the field. How society should finance the expansion of medical education—who should pay and in what proportions—is an important question (though one that would need separate treatment).

Even if medical schools do expand by as much as the Carnegie Commission calls for, need for medical services will outstrip the capacities of physicians—as the system is organized at present. There would also remain a need for new kinds of personnel—let us, for simplicity's sake or as a kind of "shorthand," call them "physicians' assistants."

Although the desirability of training physicians' assistants and other new types of allied personnel is becoming part of the conventional wisdom, there remain a great many physicians who are unconvinced. Yet, they cannot have it both ways: they cannot complain that they are overworked and at the same time resist the training of personnel to take over some of the work. It has already been shown that trained personnel can do some tasks as well as, or even better than, physicians. In pediatrics, for example, it is estimated that more than one half of what the physician does in the office could be done equally well by allied personnel. And there is little evidence that once the consumer is educated to relate to nonphysician personnel he is dissatisfied.

We will have only a partial solution to the problem of providing more medical services if we rely solely on the production of more health personnel. Medical services cannot be stockpiled or shipped where needed. The quantity of medical services available in a given area is directly related to the number of physicians (and other personnel) in and around that area. The more specialized physicians become, the less likely are some areas to be adequately served, either in total

numbers of physicians or in the mix of specialties. It is therefore vital to increase the physician's productivity (perhaps particularly outside of the hospital). One way is to use new personnel so that the physician can spend his time on the complex procedures that require his skills. There are other ways as well.

The productivity of physicians is measured by the number of patient visits per day or per week. It does not and cannot, with our present knowledge, include the quality of health service rendered, the number of morbidity days prevented, the improvement in health, or the amount of health satisfaction the patient realizes. Conceivably a physician could arrange to give more visits in a working day of the same length, but this risks a decline in quality through less thorough examinations, missed diagnoses, etc.

In a time of affluence and ease there is little incentive to cut waste or to reform one's methods. The growing pressures for more services—particularly if national health insurance becomes a reality—could force us to rationalize the system of health care. This, however, will not be done through the efforts of the individual physician. It is very hard for him to view himself as part of a total system with total costs. He cannot believe that if he acts in a certain manner to improve the efficiency of care it will make much difference, because he has no assurance that others will join in the effort. To him and to the patient, the dollars paid by Blue Shield and/or other third parties appear to be "free." Particularly in solo practice, innovations come slowly because the risks are greater and the time for concern with such matters is less. To increase productivity we will need incentives in addition to the predictable demand pressures. We will need more prepaid group practices, more "Health Maintenance Organizations."

Government and the public can press for more research on the organization and distribution of health services and an analysis of the health benefits arising from various medical procedures. Research is needed but so is action. We need more competition among various types of medical organization and more study of their effectiveness, in order to rationalize the system.

Studies already done of Kaiser-Permanente and other such plans indicate that prepaid group practice offers a superior method of utilizing personnel, keeping down costs, and delivering care equal to, if not even better than, that in solo practice. In such arrangements it is much easier to add new personnel and to provide the required supervision. In a word, groups can be more innovative—if they so desire.

Not only personnel but capital equipment can be utilized more efficiently in group practice. X-ray and other equipment may be needed to give the best care. If the solo doctor buys such machine, they may sit idle a large part of time. This is likely to result in higher costs, since all patients will share in paying for the inefficiency. It would be less inflationary for all patients to pay for one X-ray machine that operates at capacity than for two machines each operating at 50% of capacity. Furthermore, if the machine is not in steady use, there is an inducement for the physician to order unnecessary X-rays, or to specialize in conditions requiring X-rays (though the patients in his area may be in greater need of other services) just because the machine is available.

It is encouraging that the government, hospitals, medical schools, and other agencies are now backing various experiments in the provision of medical services through neighborhood health centers, satellite clinics, and other new types of facilities. As the government becomes more involved in the financing of medical services, it must also concern itself with the distribution of those services.

It would be irresponsible—to the taxpayer—if it paid for services that are produced in an inefficient manner and, at the minimum, failed to make it possible for different kinds of options to develop.

If we are to produce more medical services to meet consumer demand, we will need more M.D.'s. But we will also be wasting valuable resources if we try to meet the demand solely with M.D.'s working in the present kind of system. Other things are needed as well. Perhaps the best way to put it is to cite the Report of the National Advisory Commission on Health Manpower:

There is a crisis in American health care. The intuition of the average citizen has foundation in fact. He senses the contradiction of increasing employment of health manpower and decreasing personnel attention to patients. The crisis, however, is not simply one of numbers. It is true that substantially increased numbers of health manpower will be needed over time. But if additional personnel are employed in the present manner and within the present patterns and "systems" of care, they will not avert, or even perhaps alleviate, the crisis. Unless we improve the system through which health care is provided, care will continue to become less satisfactory, even though there are massive increases in cost and in numbers of health personnel.

CAPITOL PAGE SCHOOL GRADUATION EXERCISES

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. SISK. Mr. Speaker, on Monday evening, June 14, 1971, the Capitol Page School held its graduation exercises in the Ways and Means Committee room, Longworth House Office Building. Twenty-two graduates were addressed by the Hon. HAROLD E. HUGHES, Senator from Iowa. Mr. Albert A. Rosenfield, member of the District of Columbia Board of Education, awarded the diplomas. In addition to his diploma, each graduate received a certificate of recognition from President Richard M. Nixon. The Reverend John A. Limberakis, pastor of the Church of Annunciation, Elkin, Pa., whose son, Anthony, was a member of the graduating class, offered the invocation and benediction. The U.S. Navy Band under Master Chief Larry D. Creitner provided the music. Senior Class President Phil N. White, presided.

Mr. Speaker, the following pages were awarded diplomas:

John Dawson Andrews, Pr.
Robert Joseph Bergin.
Craig S. Black.
Glenn Bolden.
William Daniel Cochrane.
C. Ross Croulet.
Mark Stephen Farnan.
Albert D. Flair, Jr.
Richard L. Gooch.
Glenn Richard Harden.
Richard Clifton Holland.
Anthony John Limberakis.
Michael A. Malbrough.
Richard E. Monroe.
Archie H. Nahigian, Jr.
Russell Louis Perisho.
Geoffrey Scott Perselay.
Raymond Dale Potts.
Stephen Charles Richardson.

Geoffrey Wiren Spencer.
Brad Walker.
Phil McKenzie White.

CAPITOL PAGE SCHOOL GRADUATION EXERCISES

PHIL M. WHITE, SENIOR CLASS PRESIDENT

The invocation will be given by the Reverend John A. Limberakis, Pastor of the Church of the Annunciation, Elkins Park, Pennsylvania. Will the audience please rise for the invocation and remain standing for the pledge to the flag and the National Anthem.

REV. JOHN A. LIMBERAKIS PASTOR, CHURCH OF THE ANNUNCIATION ELKINS PARK, PA.

We turn heart and mind, O Lord God and Heavenly Father, to offer supplication of profound thanksgiving on this solemn and auspicious occasion, when sons of ours, having fulfilled the academic requirements of this school, are now conferred with their diplomas.

We pray, O Merciful Master, that the development of the moral and spiritual fiber of our youth may not rest here, but that it shall continue to grow stronger and to develop further in the years ahead, fully in accordance with Thy holy statutes and eternal truths. Let not their intellectual aptitudes be devoid of all those cultural values that have molded our civilization since time immemorial, and have made this land the great nation it is under Thy loving care.

Endow upon these leaders of tomorrow, O Lord, the acumen to discern the ways of nobility and greatness, from those ways which would lead to self-degradation and a sense of worthlessness, but empower them with the moral convictions to pursue the former with prudence, patience, and the will to persevere.

And in a world where sometimes the voices of discord are heard louder than those which profess the reassuring verity of the brotherhood of man under Thy providential godhead, grant to us, O Mighty God, the ability always to be sensitive to the needs of our time and to have the willingness to assume each in his own particular way, some part of this great human struggle.

And on this memorable day, we beseech Thee to bestow abundantly Thine eternal rich blessings upon the esteemed principal of this distinguished school, its devoted faculty, and upon all those who have in numerous ways participated in bringing to its final fruition this academic year.

And lest we be remiss in this special supplication, O Heavenly Father, we pray that Thou shalt manifest Thy divine countenance especially upon all those dedicated mothers and fathers of ours who so diligently toil to raise this generation and in whose hearts this day and hour a sense of deep gratification overflows; for, indeed, without their concern the welfare of society-at-large stands threatened.

For unto Thee are due all honor and glory, now and forevermore. Amen.

WELCOME REMARKS BY THE PRINCIPAL JOHN C. HOFFMAN FOLLOWS:

Sen. Hughes, Mr. Rosenfield, Rev. Limberakis, honored guests, parents, faculty, students and friends, Our faculty wishes to thank you for sharing our commencement exercises this evening. We feel that it is only fitting that these young gentlemen be honored for a job well done.

Although high school graduations are taking place throughout America no class of graduates could possibly have been so privileged as these young men who have had the enviable opportunity to share in the history making of our Government in action.

Now, as is the custom at the Capitol Page School, the President of our senior class will preside and announce the program. May I present to you the President of our senior class, Mr. Phil White.

Mr. WHITE. Senator Hughes, Members of Congress, Reverend Limberakis, Mr. Rosen-

field, Mr. Hoffman, parents and friends. I am very happy to welcome you to our commencement exercises this evening. Traditionally, the Capitol Page School chooses as valedictorian and salutatorian the students ranking first and second in the graduating class. Such choices were impossible this year. The two ranking Seniors had compiled identical and perfect records in their four years of high school work. For this reason, the Class of 1971 has co-valedictorians.

The first of these, Richard Monroe, a Senate page from Missouri, will now present his valedictory address.

RICHARD MONROE, VALEDICTORIAN

Senator Hughes, Mr. Rosenfield, Father Limberakis, Mr. Hoffman, and friends, your attendance here honors this graduating class. Your coming may well signify a belief that Lenin, when he said, "It is the fate of the young to be stupid," was incorrect. We thank you for this.

Just as those here tonight honor us, classmates, we have likewise been honored by the parents who raised us, the patrons who fostered us, and the faculty that taught us.

In turn, it is only fitting that we hope to honor them in the future, not from a sense of debt or duty, but simply by our acts and works. It must not be a sense of responsibility that compels action, but rather our reactions as whole human beings, that scope of humanity given our character in its formation, that compels action.

If our careers are to be pious light on those who have helped form our character, our insight, and intellectual attainment, what shall we do? What goals shall we seek?

As a beginning, may I suggest we adopt some of the goals of the preceding generation—long hoped-for dreams, which are noble, but as yet still promises unfulfilled.

For example, we should, in our time, bring peace to the world, saving "future generations from the scourge of war."

We should, in our time, eliminate, in all cases, want forced on man unwillingly by the circumstances of society.

We should, in our time, shape an open society, such that, through justice, men are freed from fear of the state, or of different ideas, or of ignorance, or of the domination of the past.

We should, in our time, give human values to the methods of reaching our goals, to use poetry as well as journalism in our expression.

And finally, remembering the last generation's dreams, we should, in our time, shape our world so that our sons, as they become mature, will not feel compelled to rebel against it.

The tortoise pace of Congress, the delays of the Court, the pigeon-holing, the log-rolling, the pork-barreling, the frustrations of great men, these weaknesses that we have all witnessed on Capitol Hill, may well have made confirmed cynics of every one of us. The opportunities have been plentiful enough—but, in accepting the noblest hopes of the fostering generation as only the first of our hopes, we must recognize that there are times, dramatic times, occasions great and small, the turning points of history, for each of us—those times we may stop moving Sisyphus' stone a bit, times when one man's action matters. All who remember the Senate ABM vote know how much one man may count.

Should we achieve our goals, we would honor our forebears. Yet, really, it is pointless even to attempt to set political goals for a generation. How could the graduates of 1941 have known what bills to enact, what programs to devise, what policies to establish for 1971? Just so, how could the graduates of 1971 make the decisions for the year 2001 now?

Such setting of political goals is likewise pointless in a group such as we are, classmates. The very nature of our great experi-

ence here as part of the Congress and the Court, where the diverse ideas of our nation come and commingle and compromise, as well as the variety of our origins, preclude any hope that any two graduates would agree completely now, or in 1981, or in 1991, or in 2001 on a single course of action.

So what is common among us except a year or two in the Page School and in the Halls of Congress?

It is something intangible—a quality which I hold very dear—the common bond of friendship.

Months ago, when strangers met, a relationship formed from the novelty and somewhat frightening aspect of our new positions. As we worked together, studied together, took meals together, laughed together, and listened to each other's problems and complaints, bonds developed, little bridges which permitted the 22 seniors, all more than ever individuals, to become a class, a page corps, a community professionally, scholastically, and personally cohesive.

Those who know the Congress know that patronage is often a fleeting commodity. Tonight, more than ever, we realize how temporary and fleeting our common time in Washington has been. Only our friendship will bind us together as we proceed through the joys and sorrows which lie ahead.

I shall deeply miss the Senate; I shall deeply miss this Senior Class. Such associations form the triumphal joys of life. Let each one of us, therefore, be responsible for directing his character so that the bonds of our affection grow stronger with the years, not that those bonds separate, weakened by the passage of time. That would be unnecessary sadness added to that which we must experience.

Now, as we say goodby to what we have known here, we realize, classmates that by our lasting friendship, we may honor each other, for as Cicero wrote, friendship is surely the most valuable commodity on earth or in heaven.

Mr. WHITE. The Capitol Page School is affiliated with and accredited through the District of Columbia School System. It is customary to have a representative of the District of Columbia Board of Education present for our commencement exercises.

Tonight, I would like to introduce Mr. Albert A. Rosenfield, a Member of the Board of Education.

ALBERT A. ROSENFIELD, MEMBER, DISTRICT OF COLUMBIA BOARD OF EDUCATION

It is a pleasure for me to be with you on the occasion of this long-awaited day to bring greetings to you on behalf of myself and the other members of the board of education. I wish to congratulate you for diligently working hard, and working long hours to earn your diploma and graduate from this very unique school. I know that you are impatient to take your places this month alongside other high school graduates throughout the country and look forward to entering college this fall.

Tonight, as you join a long line of students who have graduated from this very fine Capitol page school before you, I believe you do so at a very significant time in American and world history.

With only 29 years left in the 20th century, you must prepare yourself to assume responsibility to shape and direct this country's direction and progress in the 21st century. You must do this with complete faith that the next century will be the beginning of a new civilization comprised of great leaders able to rationally consider and solve the social, economic, scientific, technological and political problems and conflicts which have characterized the American society and the world community in this century.

As you prepare yourself for the great responsibilities that you will assume as adults in the various vocations you will enter, I

would caution each of you to do what you can to use your education and the unique opportunities you have had to work within the congressional establishment to reduce the tension, frustration, and anger so prevalent in America and elsewhere today, while at the same time use your education to resolve the causes of these feelings within the framework of our marvelous political system. You must bring a calm, effective, and rational perspective into resolving the real problems confronting us. What we need in the 1970's is less heat and more light than we experienced in the 1960's on issues including poverty, discrimination, pollution, Vietnam, health, education and urban problems.

Your generation has inherited a divided, divided and tired society, you can affirmatively change this society by healing the wounds and hurts, both real and imagined, that have divided us. This can be done by affirmatively responding to the real needs of 210 million people.

Please remember, as you think about our society and its problems, as you have known it in your lifetime, and, that many times in human history men have been beset by problems brought about by social, economic, scientific, technological and political change. As men faced these and other problems looking forward to solutions they, too, felt unsure, baffled, bewildered and lonely.

The world has progressed to the point where it is today because there were some men and women throughout history that had faith that solutions could be made in a rapidly changing and uncertain world, men and women who had faith that God would not abandon them as they felt powerless to bring about solutions to what at times seemed to be unsolvable problems, it was through a deep faith in God and the future that sustained them. Such faith in a supreme being will help sustain you too in shaping a constructive future. Without such faith there is a strong tendency to run from problems. Our society is counting heavily on each of you not to run from problems but face them as challenges.

You can overcome the circumstances of these difficult decades by having faith, determination, and insight while at the same time doubting some of your own infallibility. You can do this by recognizing your need for one another, bridge gaps and heal wounds, and move together in the pursuit of tackling problems and achieving common dreams.

I believe that this is a great time to live, probably one of the most challenging times in human history. Emerson described his lifetime this way; "This time, like all times, is a very good time if we know what to do with it." Our generation, like each one before it, has made many mistakes, but at least we are facing some of the major problems of our time with some candor and constructive energy. For example, this generation has helped make this country the most affluent country on earth. It is tackling social problems in a significant way, it has declared and is waging war on poverty, has sent expeditions to the moon, and conquered polio. It has only begun these things; not finished them. Your generation will be charged with the responsibility to press and carry on to finish the tasks that my generation has begun. I hope that the education you have received here and the experiences you received in that connection with your work will help you do better than we have done when the torch of responsibility has been passed on to you.

In conclusion, young men, I say to you tonight, this is not a message of despair but of challenge, hope and achievement. It is a record of sensitivity to our environment of a magnitude never before achieved. There are many mountains to climb and many problems to solve. It is the likes of you here tonight and in similar meetings throughout the nation who must carry the torch. Carry it proudly.

Mr. WHITE. Tonight it is a personal privilege to introduce the speaker of the evening. Born near Ida Grove, Iowa, in 1922, he attended Ida Grove High School and the University of Iowa. He served as a combat rifleman in North Africa, Sicily, and Italy in World War II. He was elected Governor of Iowa in 1962, and was re-elected in 1964 and 1966. In 1968, he was elected to the United States Senate. Serving on the Armed Services, Labor and Public Welfare, and Veterans Affairs Committees, he is known for his expertise in the field of drug abuse, and to the Senate pages, as a dear friend.

I am proud to be able to present a man whom it has been a pleasure for many of us to serve, Senator Harold E. Hughes of Iowa.

REMARKS OF SENATOR HAROLD E. HUGHES

I am grateful, deeply grateful, for the opportunity to share this memorable occasion with you.

If there is a more courteous, congenial and thoughtful group of young people anywhere in the country, I don't know where you would find them.

You have successfully combined the adventure of a unique kind of education through experience as Capitol Pages with the far-from-easy academic responsibilities of modern secondary education. Training in a first-rate high school nowadays is tougher and more substantive than college was when I was your age. Each of you deserves commendation for your achievement. And I am sure I speak for all members of Congress in saying that your able and conscientious services as Pages are very greatly appreciated.

You Capitol Pages have been sitting at the ringside of contemporary history. Actually, you probably know more about what is going on in the House and Senate chambers than we members do. You have heard virtually all of the speeches and parliamentary dueling that goes on, while we members, owing to committee hearings and other demands on our time, hear only a part of the action.

Because of this exposure, coupled with your studies and reading, you are better informed than most adult Americans on events extending from New York City to Tel Aviv and from California to East Pakistan.

In general, the youth of today are maturing earlier than previous generations. They are more critical of the status quo, more sensitive to injustice and social wrongs in our society. Thank Heaven that this is the case; it is the best insurance I know for America's future.

A recent Harris poll, commissioned by Life magazine, interviewed a national cross section of the 26 million Americans between the ages of 15 and 21.

The overwhelming results of the massive interviewing indicate that what most young Americans want is peaceful change in our society, not revolution.

The final report of the recent White House Youth Conference held in Colorado said simply and movingly:

"We are motivated not by hatred, but by disappointment over—and love for—the unfulfilled potential of this Nation."

There is, of course, frustration and understandable frustration, on the part of thoughtful young people, that older Americans are inclined to turn off their hearing aids when youth speaks out. But this aspect of the Generation Gap has been going on for centuries.

I believe we are getting nearer the point today than ever before in history when youth will have a fair hearing and a just influence on our society.

The next question is: How will young people respond to the opportunity to take a more meaningful and influential role in our society and in our processes of government?

An article in today's Washington Post reports that we are approaching an historic

milestone in American history—the full and unqualified enfranchisement of twelve million Americans between the ages of 18 and 21.

Thirty-two out of a required 38 States have now ratified what will certainly become the 26th Amendment to the Constitution before next November's election. It is a long overdue achievement—one that I called for in my first inaugural address as Governor of Iowa in 1963.

Now political analysts around the country—not to mention Presidential candidates—are wondering what it will all mean. Some say that it is a politically insignificant fact—that young people are traditionally lax in exercising the vote, and that those who do register and vote will merely reflect the patterns of their parents.

Others acknowledge that the so-called "youth vote" will play a significant role in the Presidential election, but have convinced themselves that it is already "sown up"—in the Democratic pocket.

I am convinced that both those views are sorely mistaken. Those who are convinced that young people simply will not vote have mistaken the current appearances of calm among young people for satisfaction. Quiet is not the same as contentment.

Unless I read the scene incorrectly, young people specifically—and all Americans who are deeply troubled by the direction of this country—are no less angry or no less passionate about our Nation's future than they were a year ago. If given a true choice by the political parties, young people will vote, and their vote will have tremendous impact on the outcome of next year's election.

In the first test of the 18-year-old vote—in the run-off election to fill the Congressional seat of Rogers Morton in Maryland—the 18-21-year-old group outvoted their parents by two to one.

Neither do I accept the notion that the "youth vote" already "belongs" to anyone. We have seen, I hope, the last vestige of those who follow like sheep the voting patterns of their ancestors. We can no longer afford the luxury of the politics of birth-right.

A powerful and important new weapon has been added to the arsenal of the young. Until now, they have had to fight our entrenched institutions and misguided policies with only the force of moral outrage. It was a stacked deck—a hand with the ace of hearts but no other cards. Now the odds have been evened a bit. The direction of the game can change drastically.

We have heard a great deal over the past several years about the principle of self-determination. It is why, we have been told again and again, we have lost 55,000 American lives in Vietnam. The challenge of the seventies—the principle toward which I hope that this new vote will be directed—is establishing self-determination for the American people.

What does that mean? I believe it means the re-emergence of the individual American. We have let ourselves become prisoners in our home, captives of our own institutions—of government, of corporate bureaucracies, even of our schools. Instead of harnessing the energies of those forces to serve man, they have taken on a life of their own, a bit like the tale of Count Frankenstein who created a new life only to have it ultimately destroy him.

If the challenge of the seventies can be boiled down into a few words, it is this: Can we save America for Americans? Can we tame our giant corporations so that they recognize their responsibility to serve their customers and the public generally, and not choke them to death in the by-products of their unlimited expansion or kill them with their unsafe machines? Can we revitalize our rural areas so that those who reject a life in a crowded, dirty, noisy city can choose to take up an alternate life-style in the country? Can

we reform our schools so that they are no longer factories, but instead places where young people can become more aware of themselves and the world around them? Can we remake government into an institution that anticipates the concerns of its people and works aggressively to improve their lives?

"Discover America" used to be a slogan urging people to visit our national parks. It could as easily be the banner of the seventies—a call to reassert ourselves over our own lives, to become "the masters of our fate, the captain of our souls."

The vote is a powerful new tool to help us—not only the young, but the entire country—to help us take control over the direction of our lives. Combined with the existing moral outrage of the young—a force that can never be minimized—the vote gives us some reason to hope.

I happen to be one who believes we should face our national problems forthrightly, using the right words, no matter how unpleasant those problems may be. To me, this is not the way to despair, but the first step toward regeneration.

You people here tonight undoubtedly cannot remember a day when this country wasn't engaged in war. This doesn't mean that we must be eternally locked in the treadmill of death—or that our economy couldn't successfully operate on a peacetime basis.

You are also aware that the American economy is seeing a lean period now as a result of an unprecedented combination of chronic unemployment and rising prices. This doesn't mean that the American economy, with its historic vitality and rallying power, won't recover.

We hear so much about problems nowadays, you wonder if there really are any plausible solutions. You hear so much Armageddon talk, you wonder if there is a rainbow left.

Will the present decade go down in history as "the Soaring Seventies" or the "Sad Sack Seventies?"

I doubt if either label would be appropriate.

I am, however, convinced that the decade of the '70's will be an exciting era of new breakthroughs for human betterment.

There will be no neat, final solutions to our major problems. The fact is, there never have been. We have allowed ourselves to get hung up on a myth—perhaps because of our comparative inattention to history, these days. But there will be new accommodations and developments, some along lines that are not clearly foreseen at present . . . and new opportunities for our nation and for the citizens who compose it.

Looking at the international scene, let me point to one area of the world that is presently the scene of tragic bloodshed and destruction, but could conceivably become a new center of American trade, cultural exchange, and economic development in the '70's. The Asia-Pacific region is likely to become the major world economic arena over the several decades, and United States economic policies can help shape the direction and configuration of the fastest growing region of the world.

In other words, what I am saying is that we should sustain our presence in Asia—but a presence that is dressed not in the olive drab of the military, but in the grey flannel of business. We need to work alongside and in friendly competition with Japan to develop the Asian economy in a context of multi-lateral responsibility and benefit. We also need to help bring about the return of the People's Republic of China to the world economy, in conditions that do not work against our interest and those of other countries of Asia.

This is only one phase of the vast potential of opportunity that awaits America and its youth. At home and abroad, in the decade of the '70's.

Mr. WHITE. Thank you Senator Hughes. Now the second valedictorian, Archie Nahigian, a House page from California, will present his valedictory address.

ARCHIE NAHIGIAN: VALEDICTORIAN SPEECH

Senator Hughes, Mr. Rosenfield, Reverend Limberakis, Mr. Hoffman, families and friends of the graduates . . . thank you for joining us here tonight.

In a geographical sense, Capitol Page School is undoubtedly the high school most representative of the United States. These 22 graduating seniors, representing twelve states and virtually every section of the country, came to Washington, D.C. for two common purposes.

Our primary purpose was to perform the various duties of pages in the House of Representatives, the Senate, and the Supreme Court. Our jobs immediately became the dominating aspect of our lives, not only in terms of the consumption of time and energy, but also, and more importantly, in broadening our education and increasing our awareness of the world we live in. The Congressional atmosphere is complex, fascinating, and, at times even frustrating, yet it is a "maturing" environment as well. Not only is each of us wiser than when we arrived on the Hill, but, as a result of this "exposure", we have progressed a bit further along the road to become "complete" and "individual" human beings.

The secondary purpose, and a legal requirement, was that of completing our high school education. The time length of classroom instruction was determined solely by the daily convening time of either the House or Senate. This, and the early morning hours, were a few of the adversities faced by the faculty and students alike. Hopefully, though, our "academic appetites" have been sufficiently whetted to welcome and desire additional education. For education is the cornerstone of democracy, and democracy is the foundation of our country.

According to Ralph Waldo Emerson, "the true test of civilization is, not the census, nor the size of cities, nor the crops—no, but the kind of men the country turns out." Herein lies the foremost challenge to this generation, as it has to generations gone by. Although the population, cities, and agricultural output have increased, poverty, crime, ghettos, malnutrition and pollution are merely a few of the domestic evils which have accompanied these growths. Indeed, the material and quantitative aspects of life have greatly increased, yet those human and qualitative aspects of life have not improved accordingly. Let us hope the forthcoming generation will possess the insight, intelligence, and ingenuity to solve these domestic problems, and, additionally, to attain peace on this planet and instill a spirit of brotherhood among all its inhabitants. This is our challenge!

We are about to embark on another phase of the continuing educational process, and, as graduates, we should review and re-evaluate our lives thus far and reaffirm or re-establish our goals for the future. This is a personal responsibility of each graduate.

As previously stated, we are geographically representative of the United States. Each of us came here with his own beliefs and conceptions of what life is and what life should be. Some of these ideas were influenced by family backgrounds, some by personal observations and perceptions, and others by sectional attitudes. Through casual and serious exchanges and explorations of these ideas, we learned from each other, and consequently, developed an unusually close bond of friendship.

The commencement exercise characteristically serves as the culminating point of one's high school career, as the graduates say "good-bye" and go their separate ways. Accordingly, this commencement exercise signi-

fies the conclusion of our time here together, yet rather than say "good-bye", let us say . . . "until we meet again". For it is my sincere hope and wish that our bonds of friendship will grow, both in depth and appreciation, through further encounters in future years . . . though we part here tonight to pursue our individual destinies.

We, who are graduating, owe a "special" and highly "personal" debt of gratitude to the United States Congress and, specifically, to our individual "sponsors" for providing us with this unique and rewarding experience, which, hopefully, each one of us will utilize to the maximum in striving to serve himself, his country, and mankind better in the future.

To the Members of Congress, our families, and our friends, we say "thank you".

Mr. WHITE. Mr. Hoffman, Principal of the Page School, will now announce the honors.

PRESENTATION OF HONORS AND DIPLOMAS

Scholarships

Harvard University—Richard Gooch.
University of Pennsylvania—Anthony Limberakis.

National Merit—Richard Monroe.
Brunswick Corporation—Brad Walker.

Special awards

Citizenship Medal, American Legion—Archie Nahigian.

Civitan Honor Kew Award—Richard Monroe.

West Point Society Scholarship Award—Richard Monroe.

Danforth Leadership Award—Richard Gooch.

Rensselaer Mathematics Award—Richard Holland.

Bausch & Lomb Science Award—Richard Monroe.

Journalism Award-Yearbook (1st Place last year—guarantee this year) Phil White.

Athletic Award—Robert Bergin.

National Honor Society—Robert Bergin, Richard Gooch, Richard Holland, Raymond Potts, John Andrews, Stephen Richardson, Anthony Limberakis, Russell Perisho, Archie Nahigian, Phil White and President, Richard Monroe.

School letters for school service and academic achievement—Robert Bergin, Ross Coulet, Glen Harden, Richard Holland, Archie Nahigian, Geoffrey Perselay, Steve Richardson and Anthony Limberakis.

Letter & Star—Richard Gooch.

Two Stars—Phil White.

Three Stars—Richard Monroe.

Recognition of varsity basketball awards—Coach Major Stewart McCaw, Gary Attman, Robert Bergin, Desi Drotos, Dave Federle, Richard Holland, Richard Kunkel, Robert Mathias, Mike Ovca, Russell Perisho, Geoffrey Perselay, Chris Shea, Brad Walker and Denny Webb.

Cheer leaders

We want the ladies to know that we are with them in the Lib movement although we honestly were neutral in the Page girl controversy. However, we have had girls for two years—lovely cheer leaders from La Reine High School in Suitland, Maryland. We would like these young ladies to rise and be recognized for a job well done—our team even won a few games. Miss Kathy Sherman, Miss Debbie Callahan, Miss Michelle Harrison and Miss Michele Williams, Captain. Thanks, young ladies.

Class and school officers

Student Council President 1st semester, Anthony Limberakis.

Student Council President 2nd semester, Richard Gooch.

Senior Class President 1st semester, Russell Perisho.

Senior Class President 2nd semester, Phil White.

Editor of Yearbook, Phil White.

Assistant Editor, Mark Farnan.
Editor of School Paper, Richard Monroe.
Assistant Editor, Glen Harden.

Parent teachers' club

President, Mrs. Gwendolyn Holland.
Vice President, Mrs. Ross Coulet.
Sec.-Treasurer, Mrs. Jackie Ignacio.

Faculty members

Mrs. Florence Block.
Miss Clare Godfrey.
Mrs. Naomi Ulmer.
Miss Laura Watkins.
Mr. Fred Hilton.
Mr. Lew Stealy.

Further we are proud to say that our students chose, were accepted and will attend the following institutions of higher learning: North Carolina State, Frostburg, University of Nevada, Florida A. & M., University of Minnesota, University of North Carolina, George Mason, Macalester, Southern Mississippi, Amherst, University of Florida, University of Pennsylvania, Louisiana State University, Fresno State, University of Illinois, Hobart, Davidson, University of Rochester, Duke University, California Tech., Harvard University, Princeton University and Johns Hopkins.

In addition to the official high school diploma our students are privileged to receive a special certificate of recognition by the President of the United States which reads—
"To all to whom these presents shall come greetings: (student's name).

"It is my pleasure to congratulate you upon the accomplishment of high school graduation. May this day begin a further achievement in ideals of citizenship in your community and for your country.

"RICHARD NIXON,

"The President of the United States.

"JUNE 14, 1971."

Mr. WHITE. The benediction will be pronounced by Reverend Limberakis. Will the audience please rise for the benediction, and then be seated until after the recessional.

REVEREND LIMBERAKIS: BENEDICTION

We acknowledge, O God, that this day closes but a single chapter of the great volume of life. And that the morrow brings before each of us new hope and new opportunity, challenges which will lead to unexplored horizons.

Grant to us the strength and the inspiration, O Lord, to go forth anchored in Thee, to multiply the talents which Thou gavest to us, to increase them according to Thy will and to ascend the ladder of our moral perfection.

Guard our comings in and our goings out, safeguard our nation and all nations of the world, for Thou alone art the fountain of all goodness and holiness, the Giver of all gifts, and to Thee do we ascribe all adoration, now and forevermore. Amen.

SUBURB BUSTING UNDER THE "NEW AMERICAN REVOLUTION"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RARICK. Mr. Speaker, on June 11, 1968, I called the attention of my colleagues to the dangers inherent in the Federal programs under the policy of "equal housing for all" and the inevitable destruction of the cities by the flight of the white population to the suburbs. All of this was done under the basic premise of the extreme left-wing liberals—destroy the existing culture and out of the ruins and ashes build anew. The crises

of the cities show the success of the liberal programs.

Once again, this spectre of death looms over our culture—a culture that has only been preserved through the diligence and hard work of our resettled white population from its suburban homes.

This time the danger to our proud traditions is more real. The Nixon administration has announced plans to end "housing bias" through a policy of suburban block busting. There really seems to be no escape now—there is not any place else to move.

The unreality of all this is evident from a column in the June 14 issue of the "progressive" paper, the liberal's "Bible," the Washington Post.

The Nixon-directed "moralists" have filed suit against Black Jack, Mo., a suburb of St. Louis, charging racial discrimination. This suburb was only recently developed in 1969-70 by whites who fled to the suburbs to escape the blackening inner city.

It seems the administration will not be satisfied. Where it will end, only God knows. We are not like the Phoenix—we cannot rise again from the ashes.

The only thing certain is that these procedures are further evidence of the continuing assault against the greatest culture and the greatest Nation ever bequeathed by God to man. Under the Nixon administration no man's home is secure.

I insert at this point copies from the June 11, 1971, Evening Star, the June 14, 1971, Washington Post, and the Smoot report of 1968:

[Washington Evening Star, June 11, 1971]

NIXON PLEDGES SUITS TO END HOUSING BIAS

(By Lyle Denniston)

President Nixon vowed to use Federal lawsuits to stop racial bias in housing, but opposed the use of federal funds to force neighborhoods to accept poor people—black or white.

In a 9,000-word statement defining a policy of "balance" on discrimination in housing, Nixon said the government has "very limited" power to control residential patterns in individual communities.

"There are some who assume that the federal government has the power to do anything it wants—or that they want," the President said.

He argued that the nation has kept its freedom by "insisting that the federal government's exercise of power not exceed its authority."

CITES DIFFERENCES

Throughout the message, he drew sharp distinctions between racial bias by those who build, sell or rent homes, and a neighborhood or city's right to choose its own plan of housing development.

The President also stressed that he sees a difference between problems of racial or religious separation in housing and problems of economic isolation.

But, he said, the government "will not countenance" any use of economic means as a coverup for racial segregation. In such cases, he said, "we will vigorously oppose it by whatever means are most appropriate."

"EQUAL OPPORTUNITY"

Racial, religious or ethnic bias "will not be tolerated" as a basis for denial of housing, Nixon said. He promised "vigorous enforcement" of the law if discrimination is "direct and overt," is a "subterfuge," or is an indirect result of "price and credit discrimination."

He stressed that what he means by "equal housing opportunity" is that people of "similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion or national origin."

That means the government "will not seek to impose economic integration upon an existing local jurisdiction," Nixon declared.

Federal housing subsidy programs mean the government's role is "essentially one of responding to local or private initiatives," he said.

NO "INSTANT GHETTOS"

Thus, "a municipality that does not want federally assisted housing should not have it imposed from Washington by bureaucratic fiat."

Nixon said the government would not use its subsidies to build "instant ghettos," and would avoid moves that would "tip the balance of an established community with a flood of low-income families."

The choice of "land use policy"—including decisions on the sites and types of housing—is "essentially local," the President said.

Decisions about how and where to place new developments "represent the kind of basic choices about the future shape of a community or of a metropolitan area that should be chiefly for the people of that community or that area to determine."

He warned local communities that they should try, voluntarily, to improve housing opportunity for all unless they want the courts to impose stiff requirements on them.

Officials would not be wise to "allow a situation to develop" in which test cases in court control "their individual land use policies."

Those questions "no doubt will end up in the courts if they are not satisfactorily dealt with outside the courts through timely and enlightened local action," he said.

Nixon's statement followed charges by the U.S. Civil Rights Commission yesterday that a "separate and unequal market" in government housing for minorities is thriving because the federal housing department "has virtually abdicated its responsibility under the law."

Under federal law, the Department of Housing and Urban Development is specifically directed to administer its programs to promote the purposes of fair housing, the commission said in a report.

But by taking a passive role, HUD has allowed private home builders and lenders to sustain segregation in federally subsidized "235" housing for low-income families, the CRC asserted.

ROMNEY DEFENDS POLICY

Commenting on the commission report, HUD Secretary George Romney said the department has "been engaged in a range of actions over the last several months to make all of our programs more responsive to equal opportunity objectives as well as to the consumer generally."

But Romney appeared to concede a contention by CRC staff director Howard Glickstein that HUD's constituent agency, the Federal Housing Administration, is oriented more to lenders than to buyers.

The "235" program operates within the framework of the private real estate market," Romney said. "FHA has traditionally been structured legally and administratively to respond to the private market."

"FHA does not by itself control such things as housing site location (or) housing consumer preferences," he said.

The argument of the Civil Rights Commission is that the government should not respond to private activity but rather should provide leadership and guidance for it.

By neither counseling buyers nor disciplining lenders, FHA has permitted black and other minority buyers of "235" housing to be kept in city ghettos while whites were

channeled to the suburbs—usually into newer and better homes, the CRC said.

Instead of awaiting complaints from buyers, HUD should conduct "continuous compliance reviews of racial data and initiate action to block segregation," the commission said.

[Washington Post, June 14, 1971]

U.S. FILES HOUSING BIAS SUIT

MISSOURI CITY SUED; ZONED TO BAR PROJECT

(By Ken W. Clawson)

The government yesterday sued the St. Louis suburb of Black Jack, Mo., charging that it was racially discriminatory when it rezoned land to prohibit construction of a middle-income housing project.

Attorney General John N. Mitchell announced the civil suit, which seeks "prompt" construction of a racially integrated housing development, after a wait of more than seven months while President Nixon prepared an administration housing policy.

A lawsuit was recommended last year by George Romney, Secretary of Housing and Urban Development, after Black Jack, Mo., first incorporated as a city and then passed a zoning ordinance preventing construction of an apartment complex called Park View Heights.

When the Justice Department refused to move in the case pending an overall housing policy statement by President Nixon, the American Civil Liberties Union sued the municipality, charging violation of the Fair Housing Act of 1968.

Justice's intervention yesterday was in line with Mr. Nixon's declaration that the government will not tolerate racial discrimination in housing. It was the first separate suit by the Justice Department charging that a municipal zoning ordinance was racially discriminatory although the government intervened on behalf of private plaintiffs last year in a suit against a Lackawanna, N.Y., zoning ordinance passed under similar circumstances.

Mitchell said eight other housing bias suits will be filed by the government.

In the Black Jack case, the government said that during late 1969 and early 1970, private developers purchased land from St. Louis County and even received preliminary approval from HUD for mortgage interest reduction. At the time, county zoning laws permitted construction of multiple-family dwellings on the 11-acre parcel.

The government brief said that during June, 1970, opposition from the generally white residents of the area solidified and on Aug. 6, 1970, the city of Black Jack was incorporated. On Oct. 19, 1970, the new municipality adopted a zoning ordinance that legislated out of existence the proposed integrated housing project.

The suit was filed yesterday in U.S. District Court in St. Louis. Attorney General Mitchell said the eight other suits will be filed later this week but did not specify the individuals or communities.

Mitchell said that for the administration to differentiate between communities that discriminate on the basis of economics rather than race, it would be necessary to investigate "the intentions of the parties involved, their statements and actions taken."

In his statement last week, President Nixon said that states, and through them cities, have the right to determine land use, and the government would not try to force communities to accept economic integration.

But the President called on suburban areas to make land available for low- and moderate-income housing as part of their responsibility in opening up all regions of the nation.

In a joint press conference with Mitchell, Secretary Romney announced proposed new guidelines for site selection of federally subsidized housing projects that place emphasis

on locating them outside present minority concentrations.

"As a general proposition, all other factors being equal, projects outside areas of minority concentration will be given preference," Romney said.

Romney also defined the kind of federal pressure on suburbs to take low- and moderate-income housing. It did not include fund cutoffs, but rather a system of incentives whereby those communities with adequate low- and moderate-income housing would receive preferences in seeking other federal funds.

Romney said that in reviewing applications for urban renewal funds or water and sewer grants, HUD would declare ineligible those communities that had made no effort to provide low- and moderate-income housing. This provision is part of current federal law.

He indicated this would have the practical effect of stimulating construction of more low- and moderate-income housing throughout all metropolitan areas, including the suburbs. He emphasized, as did President Nixon last week, that most applications for housing funds and guarantees are initiated on the local level, and that communities' interest in such projects is voluntary.

Romney and Robert L. Kunzig, chief of the General Services Administration, announced yesterday the signing of an agreement under which GSA will consult with HUD on the existence of low- and moderate-income housing before selecting sites for government buildings.

[From the Dan Smoot Report, May 27, 1968]

SLUMS FOR EVERYBODY

In the early 1950's the federal government spent \$36.8 million to convert a 55-acre area of St. Louis (formerly known as the Kerry Patch slum) into a high-rise apartment city for low-income workers.

The project, named Pruitt-Igoe, was originally planned as two separate housing facilities. The Pruitt was to be a complex of 20 buildings, 11-stories high, for Negroes only. The Igoe was to be 13 buildings for whites only.

The National Association for the Advancement of Colored People (NAACP) filed a lawsuit against the St. Louis Housing Authority for fostering segregation. NAACP won the suit; and Pruitt-Igoe was built for integrated occupancy.

The 33 11-story buildings contain 2755 dwelling units. On 4 floors of each building there are "laundry galleries" complete with space for small children to play while mothers do the family wash. There is an abundance of beautiful parkways, gardens, open-spaces, playgrounds.

When the 55-acre patch of man-made heaven known as Pruitt-Igoe was completed in 1954, it was widely acclaimed a spectacular accomplishment which proved that lavish spending of tax money could create paradise. Architectural journals extravagantly praised Pruitt-Igoe for the economy, the uniqueness, the beauty of its design. Liberal uplifters and planners of other people's lives pointed to it with triumph. Government planning and spending had converted the ugly old Kerry Patch slum into a showplace where black and white would live together in tax-subsidized bliss.

The St. Louis Housing Authority set rents on a sliding scale: those with the lowest incomes paid the lowest rents; those who earned more paid more; but persons with incomes above a specified level were excluded. The Authority controlled the influx of tenants by reserving a certain percentage of units for each economic level accommodated. Only 10% of the units were available for unemployed persons on relief.

Though the NAACP had won its lawsuit to force integration, Pruitt-Igoe was never inte-

grated. White people stayed away, and the 2,755 dwelling units were quickly taken by Negroes.

All seemed to go well for a while—until the late 1950's when the Housing Authority yielded to pressure, by the overburdened St. Louis Welfare Department, to accept more relievers as tenants in Pruitt-Igoe.

By 1968, two-thirds of the 10,000 Negroes living in Pruitt-Igoe were on welfare—mostly families of illegitimates, or families deserted by fathers. Pruitt-Igoe had become a cancer in the heart of St. Louis, an indescribable cesspool of filth, fear, obscenity, and crime.

Vandals keep elevators out of order most of the time. Stairs, landings, halls and yards reek of human offal, and are littered with garbage, beer cans, broken wine bottles, assorted trash. Rape, robbery, and assault—in the buildings and on the grounds—are commonplace.

The laundry galleries have been largely taken over by hoodlums who do not live in the project, but who are attracted by the women who reside there. Areas where children were supposed to play while mothers did the laundry are now foul and cluttered dens where men and women drink, gamble, fight, and engage in sexual acts in full view of children or whoever else happens to be around.

Larry Fields, *Globe-Democrat* reporter who wrote a full-page feature on Pruitt-Igoe, called the project a "local and national disgrace." One elderly woman tenant told him she has not dared to go outside her apartment in 3 years. Violence and obscene disorder disturb her continuously, but she is afraid to call the police—afraid the police will be hurt; afraid the hoodlums will discover that she reported them.

Another woman told Mr. Fields:

"It was wonderful when we moved here . . . We all used to be neighbors, and we all cared about the place. But now, there are so many people who live here like animals.

"They throw bottles out of the windows, and they let their kids run around wild. Just the other day, a group of them set fire in the hallway and were having a barbecue. . . . And then, when they were through, they just left all their dirt behind, the bones and the burnt wood and bottles."

Larry Fields interviewed Dr. Lee Rainwater, professor of sociology and anthropology at Washington University. Dr. Rainwater has a solution for the nation's slum problems. He suggests that the government give all poor people a guaranteed annual income, and lend them enough money to buy their own homes, wherever they please.

Obviously, the lesson of Pruitt-Igoe is lost on Dr. Rainwater. Slums do not make people. It is the other way around. People make slums. Dr. Rainwater's scheme could make a Pruitt-Igoe of every neighborhood in the country.

The open-housing section of the 1968 civil rights bill forces people to sell or rent houses to whoever comes along. The government will take enough money away from you to provide the rent or the purchase money, and to guarantee your new neighbors enough annual income to buy booze, beer, clothes, and food. What will you do about the wild, drunken orgies they stage in the very presence of your families? What will you do about the swarms of illegitimates they will breed and turn loose in your neighborhoods, to roam uncontrolled like animals, littering, vandalizing, stealing, assaulting, robbing, and raping?

Perhaps Dr. Rainwater's scheme should cause us no anxiety, if it were only his scheme; but that is not the case. Rainwater's scheme is, basically, the scheme of powerful politicians like Robert F. Kennedy, Richard Nixon, Eugene McCarthy, Hubert Humphrey,

Nelson Rockefeller, Lyndon Johnson. It is the scheme of powerful union bosses like Walter Reuther. It is the scheme of all prominent civil rights leaders. It is essentially the scheme of influential religious organizations like the National Conference of Catholic Charities, the American Jewish Congress, the Council of Jewish Federations and Welfare Funds, the National Council of Churches, the National Board of the Young Women's Christian Association. It is the scheme of the Southern Christian Leadership Conference whose leaders (successors to Martin Luther King) are conducting the poor people's march on Washington; and it is the scheme of President Johnson's National Advisory Commission on Civil Disorders (Riot Commission).

The Riot Commission recommended a guaranteed annual income, plus subsidized housing and a multitude of other benefits, for everyone who chooses not to work and for everyone who works but does not earn enough money ("enough" being a figure not yet specifically defined, but generally considered to be about \$5000 a year income for a family of 4).

The Commission condemned the present system of public welfare as designed "to save money instead of people," and as operating "to remind recipients that they are considered untrustworthy, promiscuous, and lazy." The Commission alleged that whites created the slums Negroes live in, that whites ignore or condone horrible living conditions of Negroes, and that middle-class whites are unwilling to tax themselves for adequate help to Negroes—alleged that little has been done for the "ghetto poor" in the United States.

All of which is an outright lie.

From 1935 to the end of 1966, the federal government spent more than \$421 billion on programs designed to aid, train, rehabilitate the nation's poor.² Most of the money was taken from middle-class whites. The spending not only continues, but increases with accelerating speed every year. From 1960 to the end of 1966, federal spending for welfare and health programs increased 210%, white U.S. population grew 10%.³ The rate of increase on health and welfare spending during 1967 was vastly greater than the rate of increase during the 1960-66 period.

The federal government alone is now spending about \$59 billion a year to help the nation's poor⁴—a sum which does not include the astronomical amounts spent on the poor by city, county, and state governments.

Negroes constitute about 11% of the population, but get 40% of the tax money spent on welfare.

Washington, D.C., is a classic case for study.

In 1950, when Washington was 2/3 white, the city's budget was \$98 million. Academically, its schools rated with the best in the nation. Crime rates were lower than those of most other cities of comparable size. There were areas where housing was shabby and residents were careless about the appearance of their neighborhood (as in every other city of the world); but there were no vast slum sections where filth, crime, and tax-subsidized idleness were the most conspicuous features of life.

In 1968, the total population of Washington is only 25,000 greater than it was 18 years ago; but now the population is 2/3 Negro; and the city's budget is \$450 million—which does not include additional billions of tax money being poured into the city by the federal government for urban renewal, rent supplements, public housing, welfare, poverty war operations, manpower training, freeway construction.

Negroes constitute 92% of the enrollment in District schools, which now rate, academically, among the lowest in the nation. Many of the schools are stewards of crime and violence, where the educational process is virtually nonexistent. Yet, the District schools

Footnotes at end of article.

cost more now than they did in 1950 when they were among the best in the nation. For example, the District schools have a greater number of professional staff per 1000 students than the schools of any other city of comparable size.⁵

Negroes get 80% of the "free" medical care at the D.C. General Hospital. The cost to taxpayers of providing this "free" medical service to Negroes in this one hospital in the District is more than \$19 million a year. Approximately 90% of all welfare funds in the District goes to Negroes.⁶

In recent years, Congress has appropriated huge amounts of money for playgrounds, swimming pools, recreation projects—primarily for the benefit of Negroes. Job-training programs, poverty programs, and summer-employment programs have been directed almost exclusively for the benefit of Negroes.⁵

The Mayor of Washington is a Negro. More than 55% of all employees of the District government are Negroes (and the percentage would be higher if more Negroes would accept employment). More than 30% of all Federal employees in the District are Negroes.⁶

Yet, the Reverend Ralph Abernathy's delegation of "poor people"—on the first day of their march on Washington (April 29)—told the Secretary of Agriculture that Washington is a "slave city," because so little has been done for the poor.⁷

Today, Washington is a hellhole of crime and mob violence. Vast sections of this once-lovely city have been converted into sloughs of filth by the people who live there at taxpayers' expense.

Liberals who control the federal government are financing, with our money, this rape and degradation of the nation's capital.

The answer? The only way to save our country is to stop all unconstitutional spending by the federal government and stop federal court interference and dictation in state and local affairs—thus leaving private individuals and state and local governments the responsibility and the resources to manage their own affairs and to enforce the laws, without regard to race or political affiliation.

It can be done, if we will elect a Congress and a President who will do it.

FOOTNOTES

(1) "The Separate World of Pruitt-Igoe," by Larry Fields, *St. Louis Globe-Democrat*, Apr. 27-8, 1968, Sec. C, p. 1.

(2) *Historical Statistics Of The United States, Colonial Times to 1957*, U.S. Department of Commerce, 1960, p. 194; *Statistical Abstract(s) Of The United States*, U.S. Department of Commerce, 1959—p. 266; 1962—pp. 274-5, 1965—p. 282, 1966—p. 281

(3) "Conclusions," editorial, *The Dallas Morning News*, July 25, 1967, p. D2

(4) "Any Answer To Riots?," *U.S. News & World Report*, Apr. 29, 1968, pp. 34-6

(5) "What's Wrong With A 'Poor People's March,'" Interview With Robert C. Byrd, Senator From West Virginia," *U.S. News & World Report*, May 6, 1968, pp. 72-3

(6) "Aftermath of Riots—what next?" *U.S. News and World Rept.* Apr. 22, 1968, pp. 27-30

(7) Article by Chas. Canconi, *The Wash. D.C. Eve Star*, Apr. 29, 1968, pp. A1, 6.

FBI IN ACTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. MIKVA. Mr. Speaker, in the past few years many of our major cities, in-

cluding the Capital, have been subjected to the terrifying nightmare of bombings. In response to these indiscriminately devastating devices of terror, the citizens of the Nation have demanded that those who commit such crimes be apprehended and tried before a court of justice. Congress has responded in the form of tighter controls over explosives and stricter penalties for their illegal use. The courts in turn have seen an increasing number of trials for those accused of bombings.

The accused who have been mostly vigorously prosecuted have been for the most part blacks and youths. In New York, Seattle, and Washington, large-scale investigations were launched and indictments were handed down as rapidly as possible against such defendants. However, these are not the only ones who stand accused and who should be vigorously prosecuted by the Justice Department.

In 1968 and 1969, Tucson, Ariz., experienced a rash of bombings from unknown sources. Eventually courtroom testimony revealed that an FBI agent had been the cause of the bombings. Yet to this date the FBI has shown continued reluctance to become involved in the case, and the Justice Department has failed to indict and prosecute the agent. The only action taken against the agent has been his forced resignation from the Bureau.

This sad state of affairs constitutes a reprehensible indictment of our system of administering justice, and of the internal affairs of the Federal Bureau of Investigation. Not only is such individual action on the part of an agent beyond all boundaries of proper police conduct.

Furthermore, the failure of the Federal Bureau of Investigation and the Justice Department to prosecute this case as they have in the cases of blacks and youths constitutes selective enforcement in violation of fundamental principles of equal application of the laws. The law should be enforced as vigorously in Tucson, Ariz., as it is in New York, Seattle, and Washington. It should be enforced as strictly against an FBI agent as against a Black Panther.

In order to bring the facts of this incident out in the open, I insert in the RECORD several articles from various newspapers which raised grave questions as to the conduct of the FBI in this case:

[From the Baltimore Sun, June 2, 1971]

FBI AGENT IS LINKED TO TUCSON BOMBINGS

(By Adam Clymer)

TUCSON, ARIZ., June 1.—A year-long series of apparent gangland bombings was really the work of an FBI agent assigned to investigate organized crime, authorities here believe.

Between July, 1968, and August, 1969, 18 houses, businesses or cars were bombed—without reported injury. A few more were shot at. It appeared that a gang war had begun, and citizens fearfully demanded more help from the FBI.

That, it appears, was the last thing they needed. Testimony in court in 1969 and 1970 indicated that an FBI agent, David O. Hale, started the whole thing, enlisting helpers in what they thought was an officially sanctioned mission, on the theory that some selective bombing would get the Mafia fighting internally and drive it out of Tucson. One of the recruits was seriously wounded in one of the attacks.

Mr. Hale, on advice of his lawyer, would not discuss the subject with this reporter. In court he took the Fifth Amendment, and also pleaded that it is against FBI rules to reveal informants. The lawyer, Lawrence P. D'Antonio, denied Mr. Hale was involved, suggesting he was framed because he was nearing a solution involving some local civic leader.

But his is a lonely voice. Not only are local and state police convinced of the agent's guilt, but so was a Superior Court judge, William C. Frey (who is now a Federal judge), who told the agent last summer he led his followers "down that primrose path" on "a frolic of his own."

HALE FIRED

The FBI quickly fired Mr. Hale, its organized crime specialist in Tucson. He now works in Florida, doing industrial security for Giffen Industries, and returns here on occasional weekends. His family lives here. He has not been prosecuted. But that is only one of the curious loose ends in a story which, though it is not being suppressed, is certainly not getting much official attention or action.

David Hale came to Tucson in the mid-1960's, as the FBI was facing increasing pressure to combat organized crime. It was an important assignment. The city is the residence of Joseph (Joe Bananas) Bonanno, the reputed boss of much crime activity in New York, and Peter Licavoli, believed to have held a lesser position in Detroit, and various lesser lights.

SECRET PURCHASE

It is not just the sunshine that draws them to Arizona. This state allows purchase of land by secret, numbered accounts (as do only two other states), which offer an enviable way to slip crime profits into legitimate commerce. The title companies are almost as secretive as the Swiss banks, but the Internal Revenue Service can find out who owns what, if it knows which account to ask about.

Few people claimed to know David Hale well. He worked long, odd hours, and had been an agent since 1957, with a curious 15-month break in 1963-1964. He enjoyed watching basketball and playing golf, despite a wicked slice.

ALOOF, CONFIDENT

He was very confident. Reporters recall him as aloof, a bit arrogant. One remembered seeing Mr. Hale nonplussed only once, when asked if the Mormon church still had "avenging angels," who punished the unrighteous. One of them eventually got a non-committal answer from the Mormon agent, but it stuck in the reporter's memory.

His home life was not smooth. Sometime in the summer or fall of 1968, his wife left him. (The bombings began July 21.) She sued for divorce. At his request it was filed in remote Apache county, where the filing successfully escaped press attention. She filed in November, and in January, 1969, won a divorce and a favorable settlement, but before a decree was entered, they were reconciled. Court records indicate no particular prosperity; their cars, for example, were 1956 and 1963 models.

LINK TO BOMBINGS

But back then no one was thinking about David Hale and the bombings, except as one of the law enforcement officials trying to solve them.

The first explosion was at a guest ranch owned by Mr. Licavoli. Some cars were damaged by dynamite and an electric junction box was destroyed in another blast.

The next night, July 22, Mr. Bonanno's modest home on Elm Street was hit. This was a bit more spectacular. A hole was blown in the garage roof, and a gap was blasted through the back wall, destroying a brick outdoor grill built into the wall.

A professional photographer who was hired for a Bonanno family wedding, Henk Moonen,

lives nearby. When he heard the blasts, he said last week, he jumped in his car and drove to the house, linking the explosion to what he had read of the Licavoli bombing.

He and another witness reported seeing Mr. Bonanno digging around in the rubble and carrying two heavy canvas bags back to the house.

More than three weeks later the home of Joseph Notaro, regarded as a Bonanno bodyguard, was bombed. There were six bombings in September. For most of them, a gangland "war" explanation can be inferred, though not all are obvious.

Then, curiously, the bombings stopped for several months, resuming with two more in May, four in June, two in July and one in August, 1969.

Capt. Wesley Mauldin, of the State Department of Public Safety, said a few days ago that his impression at the time was not of a major mob war, as some newspapermen saw it, but of some minor-league extortion with the big-name victims added to create an impression. He still thinks this explains a few bombings.

But the explanation the police later come to accept for most of the bombings was quite different.

RACE DRIVER

It was based on the testimony of William J. Dunbar, Jr., a young racing driver, and Paul Mills Stevens, an engineer finishing college but working at Hughes Aircraft on the Phoenix air-to-air missile project in Tucson (police had to wait while he locked up classified documents before they could arrest him), and other informants, several of whom said they participated in some of the bombings.

Police came to believe that Mr. Hale recruited Mr. Dunbar, Mr. Stevens, Walter I. Pideaux and later others to help him start a "war" among hoodlums.

Mr. Pideaux is a businessman with a connection to the Bonannos; he tutored Joseph Bonanno, Jr., in English. He has been seeking for years to develop, through a secret land and a high rise office and apartment complex. But he has never quite put it together—something he now blames on the bombing publicity. He got to know Mr. Hale, he said last week, when the agent once investigated him.

ENGLISH TUTOR

Mr. Pideaux took the Fifth Amendment, too, after complaining to the deputy county attorney that he had been promised he would not have to testify if he helped the police. He said in an interview there are considerable errors involved in the Dunbar-Stevens testimony, but I don't choose to get involved in confirming or denying.

However, he added, Stevens, Dunbar and I had far less involvement than three bankers, a lawyer and a newspaperman." He would not name them, but all except the lawyer's name were commonly mentioned in Tucson gossip in August, 1969.

The testimony came at a sentencing hearing July 24, 1970 after Mr. Dunbar and Mr. Stevens pleaded guilty. Asked how the bombings started, Mr. Dunbar described a dinner the four had at the Iron Mask Restaurant and testified that "David's idea—from what we were told—was to start a feud between the Mafia families in Tucson and to get them out of Tucson.

Mr. Stevens, who was brought in because he had Marine demolition experience and because he was a friend of Mr. Dunbar, gave similar testimony.

In an interview a few days ago, Mr. Dunbar was asked his motivation for participating in the bombings. He said "I knew the people. They get away with so much, against so many people, and nobody does anything about it.

Mr. Stevens testified he had * * * bombing, but at being taken in by Mr. Hale, who

he said failed to protect his accomplices against arrest, as he had promised to do, and failed to give sufficient help to Mr. Stevens when he was seriously wounded in one of the attacks.

The engineer said his motive had been the same. Both said Mr. Hale implied, though he did not exactly say, that high FBI officials sanctioned the scheme. Each said he was not paid.

They testified that after agreeing to Mr. Hales plan, they met Mr. Hale and Mr. Pideaux July 21 and drove out to the Grace Ranch, Mr. Licavolis place east of the city. They looked it over and then set off their bombs without being discovered.

Mr. Stevens testified he assembled the bombs from dynamite he already had for a mine he partly owned. He said he and the agent went up toward the ranch house, but that he rejected the agents suggestion that they bomb the house itself. They expected to be only a "technical adviser, but found that Mr. Hale was afraid of dynamite. Mr. Stevens said he felt safer placing the charges and lighting the fuses himself.

TARGET SELECTED

The next night they assembled again at the Iron Mask, Mr. Stevens and Mr. Dunbar testified. Again they chose targets that presumably would not cause injury—this time at Mr. Bonanno's house. There is some confusion about who drove there, but they agree the FBI man drove during the escape.

But the attack on the Bonanno house did not go smoothly. The bombs were set and timed (and both Mr. Stevens and Mr. Dunbar remember hearing them go off while they were driving, a mile or so away), but as they were thrown, Mr. Stevens himself was hit by No. 2 shotgun pellets.

In a preliminary hearing on the case August 12, 1969, Mr. Bonanno's son, William S. Bonanno, testified that he saw a bomb tossed and then spotted someone running across the street and shot him with a shotgun.

BOOBY TRAP

Mr. Stevens and Mr. Dunbar both insist it was a booby trap, activated when the bomb went into the fireplace, which Mr. Dunbar had once repaired. None of the newspaper accounts reported the presence of William Bonanno that night.

Mr. Stevens said he was badly hurt, and staggered away. Mr. Dunbar said the agent did not want to stop the car for the wounded man, but did when he insisted. They ended up at Mr. Pideaux's house, where they saw that the engineer needed a doctor, and agreed on an alibi with the agent's help. They said they would say Mr. Dunbar's shotgun went off accidentally, a story the police believed.

The FBI agent, they testified, hurried off, saying he was on duty and would have to make a report on the attack on Mr. Bonanno's residence.

The injury sidelined the group's explosives expert, crippling his right arm. It is badly withered today.

But Mr. Stevens testified the agent visited him in the hospital and asked him to assemble some more bombs under the sheets. He testified he refused, but later said he helped Mr. Dunbar assemble four bombs (in court Mr. Dunbar took responsibility for them), and left them in a garbage can behind Mr. Pideaux's home for Mr. Hale to pick up.

According to their testimony, they resented Mr. Hale's failure to provide a doctor and take charge of the situation when Mr. Stevens was shot, and did not participate personally in the bombings, though Mr. Dunbar indicated he knew, at second hand, about some others.

Mr. Dunbar said he had also refused a suggestion that he get even for Mr. Stevens' wounding by shooting at Mr. Notaro, the Bonanno bodyguard, not with a gun, but with a crossbow, a weapon at which he is proficient.

[From the Baltimore Sun, June 3, 1971]

BOMB CLUES LED TO FBI AGENT

(By Adam Clymer)

TUCSON, ARIZ., June 2.—In August, 1969, Tucson was startled to hear that an FBI agent, David O. Hale was implicated in what had been thought to be a year-long series of gangland bombings.

Among those who believed the charge—some then and more now—rumors began flying about others, either FBI superiors or leading local figures who they thought were involved. They assumed Mr. Hale must have had some encouragement from above.

But in the nearly two years that have followed, no substantial evidence has turned up against anyone else. And the most typical hypothesis is that the agent, after years of trying to get evidence against organized crime chieftains, such as Joseph (Joe Bananas) Bonanno, finally cracked up.

There is another theory, advanced by Lawrence P. D'Antonio, whose entrance into the case as Mr. Hale's lawyer was a surprise in itself since he had previously represented Mr. Bonanno, a target at one bombing, for many years. The whole thing was a plot to discredit the FBI and frame Mr. Hale, its organized crime specialist here, the lawyer said in a letter to the FBI director, J. Edgar Hoover, in 1970. He got only a cursory reply.

The police got their first break when they found a woman, Jane Hitchcock, who told them that "an FBI agent named Dave" was behind the bombings, which occurred between July, 1968, and August, 1969, because he wanted to incite local Mafia chiefs into fighting each other.

Miss Hitchcock said she was a friend of two men, William J. Dunbar, Jr., and Paul M. Stevens, who had told her so. The police were skeptical at first, but after giving her a lie detector test and questioning others, including some small-time hoodlums, they began to believe it.

Mr. Dunbar and Mr. Stevens were arrested. (Both testified later that Mr. Hale warned them that Mr. Dunbar might be picked up, and he left town when he saw a policeman at the door, but was found soon after.) And on August 12, 1969, Miss Hitchcock retold her story. She was vague about details but definite about the "agent named Dave."

The state's case dragged on for more than a year after the arrests, and the public only got a detailed story after Mr. Dunbar and Mr. Stevens pleaded guilty to reduced charges.

A few days later, on July 24, 1970, they appeared at a sentencing hearing, and told a bizarre story which convinced a Superior Court judge, William C. Frey to fine them only \$286 each.

Mr. Hale listened and watched, but appeared shaken when he was called to testify, and took the Fifth Amendment.

On his lawyer's advice, Mr. Hale would not discuss the case last week. Mr. D'Antonio said in an interview that his client was actually at a Mormon Church play rehearsal at the time of the Bonanno bombing—when Mr. Dunbar and Mr. Stevens said he drove the get-away car—and otherwise denied any involvement.

FBI RULES

Mr. D'Antonio asserted that FBI rules barred Mr. Hale from discussing the affair, since his knowledge came from informants. A similar assertion in court led Judge Frey to threaten to bring contempt charges.

Asked why the alleged FBI rules prevented the agent from answering where he now worked and where he was on the night of the Bonanno bombing, Mr. D'Antonio said only that he had wanted to make sure not to wait too long before claiming the privilege by declining to testify.

INVESTIGATION STOPPED

Police declined to discuss the basis of their other information against Mr. Hale, although they acknowledged that they have stopped

investigating the 18 bombings and think they know who did most of them.

In court, only two other names were mentioned, those of Jerry Paisley, a night-club operator, and Walter I. Prideaux, a businessman.

Two policemen, Sgt. Warren Ryan of the Tucson police and Capt. Wesley Mauldin of the State Department of Public Safety, both said they had other independent information to confirm the Stevens-Dunbar story, and Captain Mauldin said Mr. Paisley had implicated the FBI agent in other bombings besides the one at the Bonanno home and one other attack admitted by Mr. Stevens and Mr. Dunbar.

COOPERATION SOUGHT

Sergeant Ryan also testified that a few days before the arrests, Mr. Hale had demanded that the Tucson police see that Captain Mauldin—who had custody of Miss Hitchcock—be more cooperative. Unless information was forthcoming, he reportedly said, he would keep Captain Mauldin out of the FBI's National Academy, which the state lawman was—and is—seeking to attend.

Captain Mauldin testified that he then met with Mr. Hale, but refused to tell him what he had learned. "I am a federal officer. You are a state officer, so you are going to have to tell me," he quoted Mr. Hale as saying.

Instead he and the Tucson police went to John Mull, the chief FBI agent in Arizona, with their full report, even naming their informants. "I don't think he believed me," testified Mr. Mauldin. Others recall a brush-off.

But the FBI did start to investigate on its own, seeking to question Mr. Stevens (and then dropping that attempt), examining the police reports, and interrogating Mr. Hale.

They later talked to William Dees, a former FBI employee and now a lawyer, who had represented Mr. Hale in a divorce case. Mr. Dees, a high councilman of the Mormon Church (to which Mr. Hale belongs) was cited by Mr. D'Antonio as the witness who would substantiate the alibi that the agent was at the play rehearsal.

DECLINES COMMENT

Mr. Dees confirmed this, but would not discuss it for quotation because he might be called before a grand jury at some time.

The FBI, though it was not anxious to talk about it, made Mr. Hale resign. It says he was suspended August 7 and that he resigned August 12, 1969—the day Miss Hitchcock testified publicly—but that it was a few days before his resignation was announced.

The FBI gave some help in return, furnishing the Tucson police with various reports made by Mr. Hale, presumably with his descriptions of his activities on nights he was suspected of taking part in bombing attacks. Captain Clarence Dunik, chief of detectives in Tucson, praised the bureau's helpfulness.

But whatever the police knew in August, 1969, for the public there was little fact and lots of rumor. And one of the busiest rumors was that some group of leading citizens of the city was behind the effort to harass and drive out the Mafia. On August 14, William J. Gilkinson, the acting police chief, told Robert L. Thomas of the Arizona Republic "there are some very prominent persons who will have to answer for their actions, persons that you'd never suspect."

Police say now that the persons whose names were being linked to the attacks all knew Mr. Hale, but say they know of no greater connection. Three of them, James Stuart Douglas, William Hawes Smith and Paul McKalip, all had taken a prominent role in warning against Mafia influence in Tucson. Mr. Douglas is president of the Southern Arizona Bank; Mr. Smith is vice president of the Valley National Bank; and Mr. McKalip is editor of the Tucson *Daily Citizen*.

ONLY INNUENDO

In interviews last week, they all said they could not imagine why they had been the subject of rumors. They said they had not been involved with the bombings. And no one else interviewed offered more than innuendo to dispute them.

But the three men all said that Mr. Hale called on them after his name got into the papers, visiting Mr. Douglas August 20 and meeting Mr. Smith August 28 and Mr. McKalip August 29.

Mr. Douglas, who said he had known the agent slightly—at first he said he could not "recall the agent's name" but after having it recalled to him, was referring to him as "Dave" a minute later—said the agent came and complained he was being framed and asked Mr. Douglas to help with his superiors.

BANK SEMINARS

The banker said he had known the agent through some seminars on organized crime which his bank ran and the agent had helped arrange. He said he told Mr. Hale he would speak favorably of the seminars, "but further than that I will not go because I don't know your record." He said he heard from Mr. Hale again three or four months later, when the ex-agent applied, unsuccessfully, for a bank security job.

Mr. Smith's and Mr. McKalip's recollections do not include any request for help. Each said he had not known the agent previously. Each recalled being warned by Mr. Hale that he was being investigated in connection with the bombings. Mr. Smith remembered being told that not only authorities, but the Mafia too, was investigating. Mr. McKalip did not recall being told the Mafia was investigating.

GRADUATE STUDENT

A couple of weeks later Mr. Thomas, the Arizona *Republic* reporter—who with Dave Green, a reporter for the *Citizen*, pursued the story doggedly—turned up another incident involving Mr. Hale.

Mr. Thomas wrote of a 37-year-old graduate student, Mrs. Fran Angleman, who had told friends of an association with Mr. Hale that included throwing a bomb at a car parked at the Bonanno home—the incident, though not Mrs. Angleman's role in it, was independently confirmed—and being with him when he fired a shotgun at another alleged gangster's picture window.

Mrs. Angleman had committed suicide May 14, 1969, leaving a note reportedly saying "Mr. Hoover, please don't let Mafia take over the country." Mr. Thomas's source was Tom Bahti, a local dealer in Indian art, and one of his employees.

HALE FEARED

Mr. Bahti repeated the story ten days ago. According to him, Mrs. Angleman, who was divorced, talked frequently about her friend the FBI agent, without naming him at first, saying she wanted to marry him, and that she was afraid of him.

He also said she kept a diary, which police only examined briefly when they investigated the seemingly ordinary suicide. He said he had been told of the diary by Mrs. June Bridges, the woman's mother, and quoted the mother as saying the diary described adventures with Mr. Hale.

"I MADE A MISTAKE"

Mrs. Bridges said last week in an interview that she had indeed told Mr. Bahti that, but "I made a mistake." She said in the interview her daughter's diaries had not been read: "we tore them up just so fast." Her husband, a lawyer, told Mr. Thomas that he had thrown away the diaries.

The police, hoping the diaries would be vital evidence, sought to find them despite the Bridges couple's claim they had been thrown away, but failed.

For nearly a year the police work went on with few public developments. The police

were looking for a piece of evidence to tie Mr. Hale into the case. Under Arizona law, the testimony of accomplices like Mr. Stevens and Mr. Dunbar is not sufficient for conviction.

CHARGES REDUCED

They never found any, or at least none from witnesses whom they could persuade to appear in court. So finally, last July, they agreed to reduce the charges against the two they arrested if they would cooperate and tell their stories in public.

The result was a day-long sentencing hearing, seriously implicating Mr. Hale. It went around and around. Mr. Stevens's attorney, Thomas Chandler, called it "a Chinese fire drill."

And Mr. D'Antonio complained in court "this is merely a proceeding to embarrass my client." The other principals do not dispute that, though they might balk at his characterization of it as a "star-chamber proceeding" in last week's interview.

Mr. Chandler suggested to Judge Frey that if the agent was not going to testify, they stop questioning him and get on with the sentencing.

After Mr. Hale took the Fifth Amendment on a couple of questions, the judge cut off the questioning and suggested that "further proceedings" with respect to Mr. Hale might be a good idea.

Imposing fines, he told the defendants, "I can see how you were probably taken in, misled, led down that primrose path pointed out to you by Mr. Hale under the guise that you were acting for him in an official capacity."

"I can't imagine what his motivation was. However, I feel that under the circumstances I am not going to impose any harsh penalties on you two for what appears to be at least at this time a dereliction, gross dereliction of duty by Mr. Hale and certainly a frolic of his own that has brought embarrassment to all concerned."

[From the Baltimore Sun, June 14, 1971]

U.S. AIDE KEEPS HALE CASE ALIVE

(By Adam Clymer)

WASHINGTON, June 3—Everyone else says the case is dead, but William C. Smitherman, assistant United States attorney in Tucson, says the federal government has not forgotten David O. Hale, the ex-FBI agent local authorities believe was behind a year long series of bombings.

The general belief in Tucson is that the Justice Department is unwilling to embarrass the FBI with another airing of the tale of an agent gone bad, and therefore will not prosecute.

"NOT MY BOSS"

Will Wilson, the assistant attorney general who heads the criminal division, said April 2 that, "barring any further developments in the case . . . the matter is closed."

But Mr. Smitherman, who runs the U.S. attorney's office here (his nominal superior is in Phoenix), told newspaper reporters "Will Wilson is not my boss."

Mr. Wilson said that, since the state government had prosecuted and convicted two persons (who confessed to two bombings and testified Mr. Hale had enlisted them to help start a Mafia war that would force the mobsters out of Tucson), "federal intervention was unwarranted."

State authorities, such as the deputy county attorney, David G. Dingeldine, said they had tried as hard as they could to make a case against Mr. Hale.

They tried from the time they first heard his name connected to the bombings (in July, 1969, a year after they began) until the case was aired in a sentencing hearing last July 24, and they pursued a few faint leads developed there by the two confessed bombers.

But all they ended up with was "accom-

police testimony," and Arizona law bars a conviction obtained without some corroboration from evidence not so tainted. (Federal law is not so strict.)

MEMORIES HAD FADED

Local authorities indicate they feel the main reason for this gap is that they focused on Mr. Hale so long after the bombings began, when physical evidence and the memories of potential witnesses had deteriorated.

But Mr. Smitherman insisted he would take the case before a federal grand jury, after he completed some further investigation and study of statutes. He repeated that pledge to this reporter last week, but again without specifying when he would take action, and he declined to discuss the situation further.

Mr. Wilson and the deputy attorney general, Richard G. Kleindienst, an Arizonan believed to be familiar with the case, both declined interview requests on the matter this week. A department spokesman said the case would not be discussed because it is considered closed.

WOULD NEED CONSENT

An FBI spokesman, on the other hand, said he could not discuss it because the case was still open. He cited Mr. Smitherman's continuing interest as the basis of his conclusion.

If Mr. Smitherman pursues the case, at some point he will need Justice Department consent to get an indictment. But he could fight the issue over Mr. Wilson's head, with Mr. Kleindienst or the Attorney General, John N. Mitchell.

The most obvious federal charge—if the evidence in state courts is believed—is one of conspiring to deny a bombing victim his civil rights.

A case could be constructed that the victim enjoys a constitutional right not to have his property destroyed by the federal government—in the person of Agent Hale—without due process of law.

This is not a line of prosecution which appeals to the federal government. Unimpeachable sources say it would not relish arguing in federal court that Joseph (Joe Bananas) Bonanno, reputed Mafia leader and victim of the best-documented bombing, had his civil rights infringed by the FBI.

The government, after all, for years has been making considerable efforts to curtail Bonanno's civil rights by sending him to prison, most recently on an obstruction-of-justice charge arising out of his disappearance before a scheduled grand jury appearance in 1964.

Otherwise, nothing in the record made in state courts suggests that any other federal law was violated. Apparently, there was no interstate travel involved in any of the bombings with which police connect Mr. Hale.

In one interview, Mr. Smitherman was quoted by the Tucson *Daily Citizen* as saying that he was working with investigators from another federal agency (not the FBI) in probing the case. Some persons in Tucson took this to mean the Internal Revenue Service, but he declined to discuss it.

There is another interpretation of the federal government's handling of the case. It comes from Mr. Hale's attorney, Lawrence P. D'Antonio, who said last week in Tucson that his client had not been with the alleged bombers and had no involvement in the bombings, except to investigate them.

He conceded that his was an unusual view, since police and U.S. District Judge William C. Frey (who was a state judge when he heard the confessed bombers last July 24) think otherwise.

Mr. D'Antonio said that when the FBI forced Mr. Hale to resign as an agent, in August, 1969, just as his name first was getting into the newspapers, it was acting out

of embarrassment, not because its investigation indicated the agent's guilt.

"He got fired, told to 'get the hell out and don't embarrass us.' When the FBI gets a little heat, they run like rats," he said. Mr. D'Antonio, whose appearance as Mr. Hale's attorney raised eyebrows because he previously had represented Bonanno, also was scornful of government efforts against organized crime; "organized crime means 'you check all these guys with Italian names,' build up public opinion against Italians in general."

He challenged the government to prosecute Mr. Hale or clear him. "I'd love to get in there and try that goddamn case," he said. "This country ain't worth 2 cents if the highest law enforcement agency in the country would tolerate one of their own members breaking the law."

But, Mr. D'Antonio said today in a telephone interview, the FBI had made no effort to dissuade Giffen Industries, a Florida-headquartered conglomerate, from hiring Mr. Hale as its director of industrial security.

He and others interested in the case also have expressed curiosity about this matter, noting the close ties most corporate security sections have with the FBI, and considering it surprising that the FBI apparently made no effort to blackball an agent who had embarrassed it.

The FBI declined to say today whether it had been asked for a reference for Mr. Hale when he got the job.

LAND INVESTMENT

Mr. D'Antonio said he had gotten Mr. Hale the job, and also said that he had assisted Mr. Hale by getting him in on a land investment near Nogales, Ariz., a package the attorney had assembled in which the ex-agent held about a \$2,000 interest. Mr. D'Antonio said he had no money of his own in the package.

Mr. D'Antonio's challenge got an oblique assist from the press in Tucson. The *Daily Citizen* repeatedly complains about the case. On April 19, it asked:

"Why hasn't the FBI or its director, J. Edgar Hoover, offered even a minimal defense or explanation of this episode?"

"Mr. Smitherman is to be commended for continuing his investigation. The whole story should, and must, be told."

And Mr. D'Antonio does not talk as though he believed there was no prospect of prosecution. He gave this as his reason for advising Mr. Hale not to talk to reporters: "If we're going to discuss it, we're going to discuss it in court where everybody's sworn. I'm not going to give it away in advance."

[From the Washington Daily News,
May 31, 1971]

DID FBI AGENT PLAN MAFIA GANGWAR? JUDGE WANTS SOME QUESTIONS ANSWERED

(By Dan Thomasson)

The Justice Department and the FBI are being pressed for answers to charges an FBI agent tried to promote a "gang war" among Mafia leaders in Tucson, Ariz., by recruiting two men to bomb their homes and businesses.

The story, which Rep. Morris K. Udall, D-Ariz., calls one of the most bizarre he ever has encountered, began in the summer of 1968 and, as far as the Justice Department apparently is concerned, ended in July of 1970 with the guilty pleas and subsequent fining of the two bombers on misdemeanor charges.

SEEKING EXPLANATION

But Rep. Udall said today he has no intention of letting the matter drop until he has a satisfactory explanation from the Justice Department of FBI Director J. Edgar Hoover as to the role in the case played by special agent David Hale, who resigned from the bureau the day his alleged involvement was revealed.

And an April 2 letter from Assistant Attorney General Will R. Wilson notifying Rep. Udall that "the matter is closed," apparently has produced a conflict between the Justice Department and an assistant U.S. attorney in Tucson who has been quoted as saying the case still is open and adding:

"Will Wilson is not my boss."

The allegations against Mr. Hale, who resigned his bureau post on Aug. 12, 1969, and since reportedly has taken a job in Miami, grew out of a series of bombings on the home, ranch and business of Joseph (Joe Bananas) Bonanno, a prominent Mafia figure, during the summer of 1968.

The bombings were just several in a string of such incidents that had occurred over the years around property owned and frequented by a colony of Mafia figures in Tucson, including Bonanno and Detroit Mafia leader Pete Licavoli.

This led to speculation by Tucson newspapers and Tucson police officials that the underworld element in Arizona's second largest city was involved in an old-fashioned Chicago-style war.

But subsequent to the Bonanno bombings, in which Bonanno's son, Salvatore, wounded one of the assailants with a shotgun, two young men with no Mafia connections were arrested—Paul M. Stevens, then 24, a research engineer for the Hughes Tool Co., and William J. Dunbar Jr., an ex-Marine demolition expert.

Both Stevens and Dunbar told Tucson police they had been recruited by Mr. Hale, an FBI special agent and organized crime expert in Tucson. Dunbar alleged Mr. Hale assured him he would be working under the auspices of the FBI and needn't fear prosecution for his activities.

Both Dunbar and Stevens eventually pleaded guilty to the charges and were fined \$268 each and released. But at the sentencing, Tucson Superior Court Judge William Frey, now a federal district judge, accused Mr. Hale of leading "two young men down the primrose path."

Mr. Hale had been subpoenaed to testify, although the Justice Department had tried to get the summons quashed. Attorney General John N. Mitchell, however, wired Judge Frey on July 24, 1970, the day of the sentencing, that Mr. Hale could not testify on matters directly involving the FBI.

Mr. Hale then answered each question leveled at him with a declaration that he could not respond under the Fifth Amendment protection against self-incrimination.

Judge Frey then recommended that a federal grand jury be empaneled to investigate Mr. Hale's alleged involvement in the case.

But the FBI and Justice Department so far have failed to honor Rep. Udall's demands for a full disclosure of the facts in the case and Mr. Hale never has been brought back into court.

The Justice Department even has refused to tell Rep. Udall what Mr. Hale was doing between July 9, 1963, when he resigned from the bureau once before, and when he was reinstated as a special agent on Oct. 12, 1964.

[From the New York Times, June 11, 1971]
THE CASE OF THE FBI MAN AND BOMBING OF THE MAFIA

(By Robert M. Smith)

TUCSON, ARIZ., June 9.—The Federal prosecutor here plans to take before a grand jury this summer the bizarre case of a former agent of the Federal Bureau of Investigation who allegedly plotted bombings to foment gang warfare among members of the Mafia.

The case, which has lain like a desert haze over this resort city, harks back to 20 bombings in 1968 and 1969. It involves the F.B.I., the Mafia, the suicide of a woman, "prominent persons" in the city, an alleged proposal to kill Joseph (Joe Bananas) Bonanno's bodyguard with a crossbow, and the testi-

mony of a wounded man that he was asked to make explosives under the sheets of his hospital bed.

The case also involves: a city so heavy with Mafia influence that the police chief went to Joe Bananas, the prominent Mafia figure, and told him the police did not want anything to happen to two witnesses before they could testify; some Justice Department officials in Washington who do not know whether the case is open or closed; and an F.B.I. apparently so baffled by the events, even though one of its own agents was allegedly involved, that it stamped the case unsolved and stopped investigating.

Reliable sources report that William C. Smitherman, the Assistant United States Attorney here, intends to present the case to the grand jury for investigation, probably in August, and will subpoena witnesses.

In a brief interview, Mr. Smitherman said, "The only thing I can say to you is no comment."

But Government sources reported that the attorney had already begun a presentation of the case to an earlier grand jury when its term expired.

Much of the case emerges from the public record, but the following account was also pieced together from interviews here, in Phoenix and in Washington.

On July 21, 1968, a bomb exploded in a garage at a ranch outside Tucson owned by Peter (Horseface) Licavoli, a reputed leader of the Mafia from Detroit. The next night, two bombs shattered a patio wall outside the home of Joe Bananas.

In the next year, a string of 15 bombings followed. They all seemed to be directed against Mafia leaders living in Tucson and people connected with them in some fashion, and they all seemed to be designed to cause property damage, not bodily harm.

SPECULATION ON GANG WAR

During this year, speculation in Tucson centered on the possibility of a gang war between factions of the underworld led by Licavoli, on the one hand, and Bonanno on the other. At one point, Bonanno's son, Salvatore, met secretly with James Corbett, Jr., the Mayor of Tucson, and disclaimed responsibility for the bombings. When the Mayor disclosed the meeting, he said Bonanno had offered to help the Tucson police arrest what he called "the punks who are hurting my family's image here."

During the July 22 attack on Joseph Bonanno's patio, his son fired a shotgun at a fleeing man. The man, Paul M. Stevens, then 23 years old, a former Marine with training in demolitions, turned up at a hospital. Stevens was arrested a year later with a friend, William J. Dunbar, then 26. Stevens worked as an engineer at the Hughes Aircraft Company here, and Dunbar had been a racing car driver.

Following their arrest, William C. Gilkinson, the acting chief of police, indicated that others had been involved. He told the local newspapers, "There are some very prominent persons who will have to answer for their actions, persons that you'd never suspect."

He went on to say mysteriously, "I'm already getting pressure from certain segments of the community to conclude this investigation. But . . . I'm going ahead."

FBI MENTIONED IN '69

The F.B.I. was first mentioned in the case on Aug. 12, 1969, when Dunbar and Stevens appeared for a preliminary hearing. Jane Hitchcock, a 21-year-old girl friend of Stevens, testified that Dunbar had told her "an F.B.I. agent named Dave" instigated the bombing of Bonanno's home to start a Mafia vendetta.

The next day, the F.B.I. responded. J. Edgar Hoover announced he was sending an investigator to look into Miss Hitchcock's statement. The announcement did not name any agent. It went only so far as to mention the

allegations against a "former F.B.I. agent." Out to Tucson came Leonard M. Walters, now an assistant director to the F.B.I. He interviewed Federal, county and local officials and left town. It was not until the following March that The Arizona Republic succeeded in learning from the F.B.I. officially that one of its agents, David Hale, had left his job here on Aug. 12—the day of Miss Hitchcock's testimony.

David Olin Hale has been the central character in this mystery ever since that testimony. He was the only agent in the local office of the F.B.I. working on the Mafia. He was a Mafia specialist and one of the bureau's superior agents, hard-driving and possessing what one source called "a lot of brass." He is tall and thin, with blond hair and the customary tidiness of an F.B.I. agent—a friend says he dressed like a bluesuited Baptist minister.

Mr. Hale has been in court with regard to the bombings only once. That time, in July, 1970, he told the court virtually nothing except his full name. His lawyer, Lawrence P. D'Antonio—who also is an attorney for Joe Bananas—claimed executive privilege and the Fifth Amendment right against self-incrimination as each question was put to his client.

Mr. Hale, who now works for an industrial security company, could not be reached for comment. However, he has never responded to the many inquiries of the press.

DIALOG AT HEARING

At the hearing last July, both Dunbar and Stevens told their stories at length. They confessed to the bombings at the Licavoli and Bonanno homes but said they had been acting under Mr. Hale's direction. Dunbar's lawyer, Gerald Cartin, engaged in the following dialogue with his client:

Q. Well, whose idea was it from the very beginning?

A. David's (Hale's) idea, it was to, from what we were told, was to start a feud between the Mafia families in Tucson and to get them out of Tucson.

Q. Did he make any assurances to you regarding immunity or protection from prosecution?

A. He promised us that his office could take care of us, and that we'd never be arrested and if we were arrested we were never to say anything and let his lawyers handle it.

CHARGE AGAINST AGENT

The questioning brought a charge by Dunbar that Mr. Hale had promised to "wipe off" a prior felony conviction he had in 1963 if he cooperated with him.

At another point, Mr. Cartin asked whether Dunbar had known he was doing anything illegal.

Dunbar said, "No, not really; blowing up a wall was illegal, but we were assured there wouldn't be any, there was nothing wrong with it because it was, we were being protected by the F.B.I."

During cross-examination David Dingeldine, deputy attorney for Pima County, asked Dunbar whether Mr. Hale had indicated he had the approval of those above him. Dunbar said, "No it was just 'In my position and the people in back of me, you don't have a thing to worry about.'"

Dunbar also said that in the hallway of the Tucson Y.M.C.A., Mr. Hale asked him how he would "feel about getting even with the family" for shooting Stevens by "hitting" Bonanno's bodyguard, Peter Notaro, and had mentioned "some neat ways . . . like with a crossbow." Dunbar explained that he had done "quite a bit" of target shooting with a crossbow but had told Mr. Hale that he would not use one to shoot Notaro.

HOSPITAL INCIDENT

Stevens supported Dunbar's testimony, adding that as he lay wounded in the hospital, Mr. Hale had come to visit him and had "wanted some more explosives."

His lawyer, S. Thomas Chandler, pursued the point with Stevens. "He wanted you to do a job in the hospital bed?"

"Yes, sir," replied Stevens.

"What did he want you to do?"

"Wanted me to crimp a cap onto a fuse," Stevens said.

"What did you tell him?"

"I couldn't do it. I had only one hand, and you don't do it very well with one hand."

At the close of the hearing, District Judge William C. Frey imposed fines of \$260 on both Dunbar and Stevens. He explained the sentence in this way:

"Under the circumstances I can see how you were probably taken in, misled, led down that primrose path pointed out to you by Mr. Hale under the guise that you were acting for him in an official capacity . . . I am not going to impose any harsh penalties on you two for what appears to be at least at this time a dereliction, gross dereliction of duty by Mr. Hale and certainly a frolic of his own that has brought embarrassment to all concerned."

Mr. Dingeldine rose after the judge had pronounced sentence to declare that he was "forwarding a copy of all these proceedings to the Federal attorney's office."

THE OFFICIAL END

That, as far as the public officially knows, marked the end—almost one year ago—of the strange case of David O. Hale.

Just after the sentencing of Dunbar and Stevens, however, a reporter for The Arizona Republic learned that Mrs. Frances B. Angleman, a pretty blonde, had told a friend that she and Mr. Hale had tried to bomb a car at the Bonanno home. Mrs. Angleman, who was completing work for a doctorate in anthropology at the University of Arizona, was found dead of a gunshot wound in the head in May, 1969. The police said she had committed suicide.

Interest in the case was revived in April of this year when Representative Morris K. Udall, a Democrat whose district includes Tucson, wrote Will Wilson, an Assistant Attorney General, about the case. Mr. Wilson wrote the Congressman that "the matter is closed."

Mr. Wilson wrote that "where a set of circumstances gives rise to Federal and state criminal law violations and where there is vigorous and successful state prosecution, Federal action is unnecessary." Mr. Wilson was saying that, since Dunbar and Stevens had been convicted, "Federal intervention was unwarranted."

"FURTHER DEVELOPMENTS"

The ink was hardly dry on Mr. Wilson's letter, however, when Mr. Smitherman told the press here: "There have been further developments. It is not closed, and investigation is continuing. It has never been closed."

Pressed to explain this difference, Mr. Wilson referred his questioner to Henry E. Petersen, one of his deputies. Mr. Petersen said that, "unfortunately, the guy who wrote the letter didn't check" with the United States Attorney for Arizona, Dr. Richard K. Burke, Mr. Smitherman's superior. Mr. Petersen went on to say that the Justice Department did not know whether the case was open or closed. "Frankly," he said, "we just let the locals handle it."

Dr. Burke would make no comment on the case, but other Government sources said Mr. Smitherman had made a preliminary statement before a grand jury here in January and had examined two or three witnesses before the jury. The sources said, however, that other business—including the cases of some Weathermen radicals—had so crowded the jury's schedule that its term expired in March before it could go on with the case.

STACK OF DOCUMENTS

These sources said Mr. Smitherman planned to examine again the two or three witnesses he called in January and to call

Dunbar, and Stevens as well. Dunbar and Stevens were subpoenaed in January but were not called before the jury. Evidence of Mr. Smitherman's continued interest is the thick stack of documents relating to the case that he keeps on a desk in one corner of his office.

Mr. Hale has, in the meantime, found new employment. He apparently tried to find work in the Tucson area but failed. While his family still lives here, Mr. Hale travels around the country as a security consultant. He is director of the security division of a small Miami conglomerate, Giffen Industries.

Observers here who have followed the bombings, the investigation, the sentencing of Dunbar and Stevens and the career of Mr. Hale raise several questions about the case beyond the guilt or innocence of the F.B.I. agent. Following are some of them:

Did the F.B.I. sanction or know about any extracurricular activities Mr. Hale may have engaged in?

Most concerns would be put off by a bad recommendation from the F.B.I. If Mr. Hale left the bureau under a cloud, how did he manage to get a job as an executive with Giffen Industries?

Why hasn't the state prosecuted Mr. Hale as a result of the allegations made against him?

SUPERVISOR STILL THERE

What did Police Chief Gilkinson mean when he spoke of "prominent persons" and said he was "getting pressure"?

Reliable sources in the Government maintain that the F.B.I. had no knowledge of anything Mr. Hale might have been doing outside of his job. They point out that Mr. Hale's supervisor, Kermit Johnson, the senior resident F.B.I. agent in Tucson, remains in his job. If Mr. Johnson had known that Mr. Hale was doing anything illegal, they argue, his supervisors would have punished him for not reporting it. If his supervisors also knew of any wrongdoing, the sources maintain, they would have punished Mr. Johnson for letting Mr. Hale bungle and bring embarrassment to the bureau.

One Government official said that if any agent had done something improper, the bureau might easily not have known about it. "If they have a man who doesn't follow the instruction and he doesn't fill out the forms that are supposed to show what he is doing honestly, they wouldn't find out until something breaks."

The official pointed out that the F.B.I. "doesn't follow its own men around" and argued, "You've got to start from the premise that the bureau is not infallible. They're suffering from this image that they're perfect. Don't think that because they're an investigating agency, a really clever guy can't get away with something."

FBI REPORTEDLY ANGRY

Government sources report that the F.B.I. was "mad as hell" at Mr. Hale and virtually forced his resignation. "He resigned," one official said, "because he knew the F.B.I. was about to take action."

According to that official, the F.B.I. was going to ask for Mr. Hale's resignation not because of the bombings—on which it was unable to find decisive evidence of guilt or innocence—but because the agent had violated bureau regulations. He had borrowed \$750 to \$1,000 from a private person (and had repaid it); he had accepted an expensive watch as a gift and borrowed a color television from the same person, and he had accepted the use of air-conditioned cars free from a Tucson car rental company, the official said.

Government sources say that the F.B.I. did not recommend Mr. Hale for his new job. They maintain that Giffen Industries never asked the bureau about his background. In an interview, Mr. D'Antonio, his lawyer said that he had secured the job for Mr. Hale by

getting in touch with an officer he knew in the company.

Mr. Dingeldine, the county lawyer, said in an interview that he had not prosecuted Mr. Hale because of an Arizona statute that requires more evidence for conviction than the testimony of accomplices. "We had Dunbar and Stevens," he said, "but we could not find other witnesses to corroborate them."

Mr. Smitherman does not have that problem because Federal law provides more latitude and he has apparently found other witnesses. His problem, according to reliable sources, is the strength of the corroboration—one of the witnesses has made three statements, each of them slightly different—and the general quality of evidence that includes the testimony of two self-confessed bombers.

Mr. Smitherman has said that he is handling the case himself, without the aid of the F.B.I. He is reported to be doing this because he feels he cannot properly ask the bureau to investigate someone who worked for it.

One problem from the Justice Department's point of view may relate to the type of charges that would be used in the case. Observers say that the most likely charges to be lodged—if any are—would involve violations of the civil rights laws.

"PROMINENT NAMES"

This would put Attorney General John N. Mitchell and an Administration pledged to making war on organized crime in the position of filing charges against someone—perhaps a former F.B.I. agent—for depriving Joe Bonanno of his civil rights.

Police Chief Gilkinson was asked during an interview about the "prominent persons" he had referred to. The chief was vague, saying only that "prominent names" had come out. Asked about the "pressure" he had reported he was under, the chief was equally vague. He said, "I think I was referring to the various groups that were in touch with us."

Pressed, he said, "I would rather not go into it now."

Chief Gilkinson did volunteer, however, the story of his effort to protect Dunbar and Stevens after their arrest. "I went to see Bonanno," he explained, "and I said I didn't want anything to happen to these two boys while we had the case going."

How did Bonanno react? "He assured me he wouldn't have anything to do with harming them, because he felt there was someone else behind it and he wanted the police to investigate. So we had an understanding—he wouldn't interfere with anything then."

While Mr. Hale could not be reached, Mr. D'Antonio said he had advised him not to speak to anyone outside of his presence anyway. It is known, however, that Mr. Hale repeatedly and vigorously denied any wrongdoing in extended interviews with the F.B.I. He told the bureau he was the victim of a trumped-up charge.

LAWYER'S COMMENTS

The chunky, gray-haired Mr. D'Antonio is an energetic advocate of Mr. Hale's innocence. He says that Mr. Hale, a Mormon, was at a church function the night of the bombing at the Bonanno home and "was with other people at all times."

How does he account for the testimony of Dunbar and Stevens? "I account for it by saying there was a No. 3 and a No. 4 [involved in the bombing] and Mr. Hale's name was substituted for one of them."

Why would that be done? "I choose not to answer," he said "I think I have the key to it, but it's part of my defense."

"If you are going to get caught in a criminal act," he went on, "It's a hell of a nice defense to say you thought you were operating under a law enforcement officer, that you were acting as a vigilante."

At one point the lawyer suggested that Mr.

Hale was the victim of a conspiracy bent on silencing him. "Don't you think if they let him alone he might have gotten right to the heart of it?" he asked. "He was spending every one of his hours on it; he was right on it."

Pounding on his green Mediterranean-style desk and stamping his foot on the floor, Mr. D'Antonio excoriated the F.B.I. for its silence. "Somebody's got to make an official statement," he shouted. "The F.B.I. has got to stand up and say he's either guilty or innocent."

CHESTER, PA.—THIS I BELIEVE

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. WARE. Mr. Speaker, a grassroots movement is underway in a portion of my congressional district which I believe could well become a model for citizen participation throughout this Nation.

On Sunday, June 13, 1971, 25,000 people turned out in a massive pro-American demonstration, centered around the oldest public building in the United States—the 1724 courthouse in Chester, Pa., and by their participation dedicated themselves to the following "Creed for Our City:"

I believe that the key to the future of Chester lies in an appreciation of its great historical past. This I Believe.

I believe that the revitalization of the business area is a major step toward revitalization and redevelopment of our entire city. This I Believe.

I believe that the cooperation of all of the people and all philosophies is necessary for the success of the rebirth of our city. This I Believe.

I believe that the dedication of the people of Chester in their city will be the model for all citizens of all cities throughout our great country. This I Believe.

I believe that the pride of the people of Chester in their city will guarantee the success of its rebirth. This I Believe.

It all started just a short time ago with a commitment by the Delaware County Bar Association to underwrite the cost of restoring the interior of the 1724 courthouse as a project around which that group's Law Day 1972 program would be centered.

Since that day and from its single purpose—restoration of the 1724 courthouse—has emerged a ground swell of positive-minded, progressive ideas and volunteer support which is truly amazing.

It would be impossible to include here the names of individuals, organizations, and businesses which have stepped forth and said, "Let me help."

But it is possible to list some of the accomplishments, and some of the future plans, that have emerged in just a few short weeks.

The original small leadership of this effort has expanded rapidly until now it is constituted as a 60-plus member Chester Bicentennial Committee, on which I am privileged to serve.

Looking to the future, the city council of Chester has officially changed the name of Market Street—believed to be

the oldest street in the Commonwealth of Pennsylvania—to Avenue of the States, and with the help of a public-minded utility erected specially designed street signs with the new name and emblazoned with a replica of the Liberty Bell.

The State of Delaware—the first State—was invited to raise its flag at the 1724 courthouse as the highlight of a 2½-hour parade marking the celebration of Flag Day. This is the first of the 50 State banners which will, during the course of the next year, line the Avenue of the States.

At the same time, cooperating merchants will feature each of the 50 States in displays and promotions during the next year—and pay for the privilege.

A major paint manufacturer is presently at work preparing a color-coordinated scheme for the business district so the merchants can, at their own expense, present a colonial-type united front.

The old railroad station and overhead tracks which cut through the business district will be repainted and blended into the overall plans by a public-spirited organization.

I have recently urged upon the Citizens Advisory Committee on Commemorative Stamps that it give favorable consideration to including the 1724 courthouse among those to be issued during 1972—hopefully in conjunction with the rededication of this historic structure on Law Day 1972.

The President of the United States has been invited to participate in those ceremonies, and I urge him to accept.

Already plans beyond the next year's efforts are a gleam in the eyes of the people of Chester. For once the 1724 courthouse is restored and the business district renewed, the same people who have accomplished so much on their own initiative in so short a time, are already discussing ways and means of restoring the site, where in October 1682, William Penn first set foot in the Commonwealth of Pennsylvania—then called Upland, but changed by him to Chester, in remembrance of the city in Cheshire, England, from which a number of the early Quakers had already come.

At this stage of this truly grassroots efforts, I know of no one who has looked upon even the most grandiose suggestion with a negative attitude. What is truly amazing—and pleasing—to me is that a positive attitude is rampant in this old, old city.

It is an infectious attitude which has brought forth offers of help and cooperation from every facet of the community. It is this positive attitude, positive effort, and positive accomplishment which I commend to the people of our Nation today. This I believe.

SOVIET PERSECUTION OF RELIGION CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RARICK. Mr. Speaker, we should have learned from events of history that

appeasement of power seeking dictators only increases their appetite for more power. British Prime Minister Chamberlain learned this at the outbreak of World War II.

We should have learned by now that you cannot do business with Communists and expect to come out even. To them, treaties are but scraps of paper and promises are but to be broken if they do not serve the purposes of Communists and are to their advantage.

We have been told by Pope Pius XI that—

Communism is intrinsically wrong, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever.

Another religious leader, Rev. Richard Wurmbrand, who was able to escape from Rumania after spending 14 years as a prisoner of the Communists, testified before the Senate Internal Security Subcommittee in 1966 and before the House Committee on Un-American Activities in 1967.

His testimony should be read not only by every minister of the Gospel but by every American who loves and wants to preserve our heritage and freedoms.

I insert a few short excerpts from his testimony as a reminder of the threat to our security still posed by communism:

I have been so many years with pickpockets in prison, I have learned something from them. In a minute his purse was in my pocket, and then I stretched my hand to him and said: "Let us peacefully coexist, but your purse will be in my pocket."

"That is what the Communists wish. They have taken half of Europe. They have taken China, they have taken Rumania. They have stolen a third of the world, and now they say "Let us peacefully coexist." They should give back what they have stolen.

It may be right for a state to have peaceful existence with Communism. I do not know. That is a question for Johnson and Goldwater to decide. But the church can never have peaceful coexistence with atheism. Everybody would laugh if I would say that health can peacefully exist with the microbe of tuberculosis, that the FBI can coexist peacefully with gangsters, that the church can peacefully exist with drunkenness, but communism and atheism is much worse than drug addiction and drunkenness. You drink a little wine and the next day it passes, but communism poisons youth and our children since 50 years. How can there be peaceful existence with this on the side of churchmen and the church leadership I cannot understand.

I must say that I have been very sad. I have read in your periodicals that, I do not know why, church bodies here ask the admission of Red China in the organization of allied nations. It may be right. I do not know politics. I do not know what this organization of allied nations is, but I ask myself, "You, a church periodical, why don't you write about the tortures inflicted on Chinese Christians by the communists? That is your business and leave the business of politics to the Senate and like this."

Wherever the communists came in the beginning, they said the same thing which I read here in newspapers and in periodicals. "You know Stalin's communism has been very bad, but Yugoslavian communism or another kind of communism, this is very good."

A little lion in its first days you can play with him just like with a puppy. When he becomes great, only then he is a lion. Yugoslavian communism is this little communism. And American communism is a very little

one and English communism is a very little one. When they grow, when they can do whatever they will to do, then only we can see them. With us, in the beginning, we also had a very nice communism. I have seen in Rumanian Communist demonstrations signs with the slogan, "God Save the King." I have seen the communist Secretaries of State making great crosses, showing themselves as being on the side of religion and making compliments to religion and bowing to religion and saying they are Democrats. In the beginning, they have put in prison party members who said that the agriculture must be collectivized. And they have gone together with the bourgeois party, with the Liberal Party of Tatorescu and with other Democrats.

I have seen in the West Social Democrats collaborate with them. In Rumania, I have seen dying Social Democrats in the same cell with me; they died. Communists in Rumania, too, were nice until they had the whole power in hand. When they had the whole power in hand, they have done things exactly as in Russia, and so they will do everywhere. There is no difference.

Presently Reverend Wurmbrand is general director of a nonprofit missionary organization called "Jesus to the Communist World, Inc. Reverend Wurmbrand has made available to the American people considerable documentation about religious persecution going on in Russia today. The evidence includes exhibits with pictures of over a hundred persons of the Baptist faith, many of whom are serving or have served prison terms for their religious beliefs or practices. This includes photographs of persecuted individuals smuggled from inside the Soviet Union. The pictures with names and sentences of imprisonment are on display in my office annex, 1529 Longworth House Office Building. I invite our colleagues and their staff members to inspect them.

I insert Reverend Wurmbrand's letter, a news release, and the translation of an article concerning persecution of religion in Russia today at this point in my remarks:

JESUS TO THE COMMUNIST WORLD, INC.,
April 28, 1971.

Congressman JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RARICK: I send you herewith photo-enlargements of recent pictures smuggled by this mission from inside the Soviet Union.

The enclosed pictures substantiate mainly the persecution of the underground, unregistered Christian Baptists in the Soviet Union. A partial list, containing the names of a few such Baptists who are now in prison, is also enclosed. The pictures show churches that have been closed, Baptist ministers who have died in prison, children who have been taken away from their parents because they were given religious instruction, and lots of Christians who are today in prison and whose names appear on the enclosed list.

Since these unregistered Baptists were the first to create the wave of dissent in Russia, it would seem right to grant them a hearing before the United States Congress, or one of its committees.

The authenticity of these pictures can be verified through:

1. similar pictures of some of these people which appeared in the western press over the years (for example, a picture of Pavel Lukas appeared in Norway, see enclosed translation of article);

2. the fact that their names and signatures appear on numerous documents submitted to the United Nations in the last few years;

3. announcements of their names and sentences of imprisonment which appeared at different times in articles from the Soviet press (these articles are in our possession);

4. corroborating evidence of other Sovietologists (for example, see *In Quest of Justice* by Abraham Brumberg, Praeger Publishers, Washington, 1970, especially chapter IV, "Religious Dissent," and *Religious Ferment in Russia* by Michael Bourdeaux, St. Martin's Press, New York, 1968); and

5. the unblemished record of this mission, which has documented all asserted facts (see the enclosed Hearings before the United States Senate and House Committees of Rev. Richard Wurmbbrand, and the letter of the House Committee on Un-American Activities on June Jones).

The background of Rev. Wurmbbrand and of our mission, which at the time of the Hearings was known as Mission to Europe's Millions, may be obtained from the enclosed Hearings, as well as from the enclosed news release about Rev. Richard Wurmbbrand.

We are also sending you several recent news releases, containing excerpts from the Soviet press regarding persecution, which we trust you will find informative and interesting. Photocopies of any document quoted may be obtained from this office upon request.

We hope to hear soon from you about how you have decided to publicize these pictures. Please let us know if there is any further information you need.

Yours sincerely,

Rev. MICHAEL WURMBRAND,
General Director.

[News Release, Jesus to the Communist World, Inc., Jan. 26, 1971]

NEW RUSSIAN CONCENTRATION CAMPS: MILLIONS OF PRISONERS?

"Over Russia stretches a net of concentration camps in which, against all the international conventions and treaties signed by the Soviet Union, the daily routine is made up of forced labor and awful exploitation of prisoners. The inmates of the concentration camp are systematically undernourished and are subjected to debasement, their human pride being destroyed. Millions of people pass in an uninterrupted flow through these camps. They enter these camps and are thrown at the other end of the society as physical and spiritual invalids. In this camp, a well-aimed, expert, and professionally outlined policy of punishment is applied which overshadows the awfulness of the Nazi concentration camps."

The above quote is taken from an open letter recently written to Alexander Twardowski, the recently ousted Editor in Chief of the Russian literary magazine, "Novii Mir." It is signed by seven political prisoners and has recently been smuggled to the west with autographed pictures of the authors. The composer of the letter is Iuri Ivanov, one of the seven prisoners signing the letter. The letter was written at the end of 1969 in the concentration camp 17 A, one of the most dreaded complexes in the marshes of the Mordov Republic, 500 kilometers southeast of Moscow. About 10,000 prisoners are imprisoned in that camp.

The best known of Ivanov's mates is the peace-oriented poet, Iuri Galanskov, 30, and the writer Alexander Ginzburg, 34. Galanskov, who suffers from a chronic ulcer, is working at very difficult manual work and several times he was under emergency treatment in the hospital of the concentration camp. For Ginzburg, who is a sportsman—in times before, the senior boat rowing champion of the Soviet Union—it is easier to survive in the camp, but this does not hinder him from taking part in the suffering of the other inmates in the camp. In the beginning of 1970, he even succeeded in recording a message to the free world on a

primitive tape recorder in the camp 17 A (this message was widely broadcast by CBS in the United States). As a punishment, he was sent to the dreaded prison of Vladimir, 150 kilometers east of Moscow.

Ginzburg sent from Vladimir the following message: "In the prison of Vladimir, in this grave of the living, there is only one physician, he himself a prisoner, and everybody stands constantly before death. I just returned from the last journey of my close friend, the Latvian Jan Kapitzin." The underground newspaper, "Samizdat," reports in its "Chronicle of Actuality" that Kapitzin, 52 years old, died on the 16th of January, 1970, shortly after Ivanov drew primitively his portrait. He was under a 15-year slave labor sentence because he opposed the Russification of Lithuania. At approximately the same time, reported the Chronicle about the death of another Lithuanian, 67 years old, in concentration camp number 3, of a 56-year-old Estonian, and also of another Lithuanian, all of them finding themselves in concentration camp 17.

Three of the cosigners of the document from the Mordavian concentration camp belonged to the all-Russian Social Christian Union for the Liberation of the People, which was founded in 1964. Members were mainly young students and professors at the University of Leningrad, trying to create a parliamentary system with democratic liberties and a free market. They were arrested in 1967 and 1968. One of the three, the 33-year-old Orientalist Michael Sado, was sentenced to 13 years slave labor. Until recently, it was believed in the free world that few such complexes like the Mordavian camps exist, but today it is known that the concentration camp network is stretched over the whole Soviet Union. This is due to the faithful reports of the Soviet Underground Baptists, concerning the fate of 500 brethren imprisoned in the last years. It is already known the exact place of 202 concentration camps. Of other concentration camps, there are only suspicions.

(Translator's note: For a more detailed report on the addresses and quantities of different new Russian concentration camps, see the Swiss newspaper, "Der Bund" of January 7, 1969, which reports that to that date, 56 new concentration camps had been erected in 1968 and 69 in the Soviet Union, giving full details of their location and capacity.)

We hope you will give this news the widest possible publicity.

MORE THAN 5000 NORWEGIAN KRONER IN FINES AND 2 YEARS BEHIND PRISON WALLS

(Translation of article in "Vårt Land", Oslo, Norway, November 11, 1970, by Oddvar Johansen of the Pentecostal Congregation in Norway)

Because of persecution Christians in the Soviet Union go "underground"

[Picture captions]

1. The elder, Kristian Heggelund, talks during a meeting in the underground church. The lady who acts as interpreter had to quit her studies of medicine because she became a Christian.

2. "Jesus loves me, I know. . . ." Children are present in the underground church.

3. Paavo Lukas (in middle) has been in prison three times because of his faith.

TEXT OF THE ARTICLE

There really are people today who suffer for the sake of the Gospel. They hide in the most unbelievable places to worship God. They are persecuted day and night, but the police cannot prevent them from always gathering in new places.

This is happening in 1970 and not in 1870. It is happening in the country of our powerful neighbor, the Soviet Union, only three hours by airplane from Oslo. The mighty

Iron Curtain hides things that never get to the ears of people who look for justice. The myth about religious freedom behind the Iron Curtain consists only in worshipping God in the way the leaders of the country think right. Those who do not want to accept this burden are worse off. They are under constant supervision and are put in the same class as criminals and enemies of society. The worst thing is that the Russian authorities try to paint white that which is black by telling the world that there is no underground church in Soviet Russia today. It is said that the state knows about all the different groups, wherever they are. The truth is quite different. Everywhere there are large and small groups of Christians who will continue to carry on with their secret meetings until the government behind the Iron Curtain is changed.

Twelve years of waiting before getting permission to have meetings

It is clearly shown by the following account that the regime is not in a hurry when it concerns Christians. The answer contained strict instructions that they could only be allowed to meet on the two days set by the Kremlin. Infraction would be a punishable offense.

The congregation asked if it was allowed to receive guests from abroad. The answer given was: "Foreigners are always welcome to the Soviet Union. When they come you must take care of them in the best way possible and show them the greatest hospitality. Under such circumstances you can arrange as many meetings as you want. . . ."

But when the guests left, the restrictions were in force again.

To the underground church

"We are taking great chances by going to the meeting," our Finnish interpreter said before we entered the taxi. "This is going to be the first meeting to be held after the police took away the congregation last spring."

Early on a Sunday morning, we left Leningrad. The houses got smaller and smaller, and were soon very small huts that looked more or less dilapidated. At last we branched off into a poor road where rain had made it nearly impossible to proceed.

A little green house, well hidden behind big apple trees, was the place we were to gather. The underground church was to have a meeting. Here were gathered friends of different rank and background. One thing united them, their experiences of Jesus Christ. The house was one of the simplest kind we can remember having experienced. The wallpaper hung down from the walls and the cold air blew through the crack around the window. In one of the rooms there were some long benches. The speaker's chair was in place and a well used organ stood in a corner.

This house had been entered by the police the 24th of May this year and had broken up the congregation while they were having a meeting. They had carried them off into the woods and had taken their Bibles away from them. Afterwards, they had to walk the long way back home. Many were old and weak. In the time that followed, the house was under strict guard. But then the Christians had again gathered courage and met in different places in the woods. There, too, the police had found them once. It was the same day when the president of an African country was present at a meeting in the registered church. There he could see for himself how good it was in the Soviet Union. The Christians had even been requested to take their children along to the meeting, which is otherwise not allowed! But on this very same day a group of Christians had been caught by the police in a nearby woods.

Today, then, they should get together again for the first time after this incident.

All the time since I became a Christian the authorities have hated me

The house belonged to 43-year-old Paavo Lukas. He became a Christian five years ago. When he surrendered himself to God, he was an alcoholic. During this short time he had been in prison three times because of his faith. Once he was in prison continuously for a year and a half. Fourteen times he had been fined 50 rubles (about 400 Norwegian kroner), all for having another belief other than the head of state.

With the help of our interpreter we had an interesting talk with Paavo Lukas. His hair had not grown out again since his last imprisonment. It hardly has time to grow between times.

Q. Why did you become a Christian?

A. I asked for realities, the same as so many others are asking for in the Soviet Union today. From the moment I gave my life over to Christ I have been absolutely free from alcohol and from everything that kept me down. I felt happy, but all the time there has been a fight to keep the faith. The first time I was imprisoned I asked myself, "Why am I here?" The answer I got was that I also should witness to somebody in this place about the power of change which is in the Gospel.

Q. Have you been in prison recently?

A. In July I was in prison for 10 days.

Q. Do the police know about the meeting you are going to have this morning?

A. The chief of police was here this morning and asked when the meeting was to begin. I told him that we begin as soon as the people come.

Q. Are there many underground churches in Leningrad?

A. There is a network of such churches all over Leningrad. The same can be said about the country as a whole. Through letters we have good contact with each other. If somebody is put in prison because of his faith, the different groups know about this in a matter of a few days. There are always some who are imprisoned because of the Gospel.

Q. Do you ever get depressed and discouraged?

A. He who believes in the Gospel will also receive the power he needs to suffer for the sake of the Gospel.

Q. Why don't you accept the conditions that are set up for the registered church? Then you would at least have some measure of liberty.

A. They have laws that do not comply with a living Christian faith. The government forbids us to evangelize, but the Bible says we must proclaim the Gospel to all men. They forbid us to preach conversion. We cannot take children under 18 years of age with us to the meetings, etc. We can never agree to such conditions.

Q. Then you go on evangelizing in spite of this being forbidden?

A. Yes, we bring out the message of happiness and we mind to do so until Jesus returns. Once I sat together with a man for five hours before he fell down on his face and acknowledged that he needed salvation.

Q. How does the registered church look upon your activities?

A. They do not like that we have meetings, but they, of course, are no adversaries of our work.

Q. If you are fined because of this meeting, what will you do?

A. I accept everything as it comes about. The Bible says that not even a sparrow falls to the ground except by the will of God.

Q. How is your personal relationship with the police here?

A. Many of the policemen who arrest me are my friends! But they must do the job which has been given them to do.

Our conversation was suddenly broken off by a woman who came in and told that the

police had struck again! At a distance from the house, more than 50 people had been taken by the police and driven off in a bus the police had brought with them. Nobody could at the time tell to what place they had been taken. For the most part they had been older friends who had done nothing else but pray to God.

God be with you till we meet again

Then began one of the mightiest meetings we have ever experienced. There were not many people present after the last operation of the police, but Paavo Lukas walks up to the speaker's chair and proclaims the Gospel. There, on a bench, was an elderly woman who had traveled more than 400 kilometers to come to this meeting. There sits also the preacher who had lived for more than eight years in the woods because of proclaiming the Gospel. The young and pretty woman, who had been excluded from her medical studies because she had accepted Christ, was also there.

The elder, Kristian Heggelund, brought them a greeting from us in Norway, and when at long last we were able to leave the meeting, we heard these good, simple friends sing: "Until we meet again. God be with you till we meet again."

We knew that we would, perhaps, never see them again in this world. But their faces were shining in spite of all distress, thinking about the day when we shall all meet in heaven.

It is the greatest meeting we have experienced in all our lives!

THE RECORD SPEAKS FOR ITSELF

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RHODES. Mr. Speaker, I am sure that the editors of the New York Times did not think the situation through completely when they authorized the printing of the illegally obtained Vietnam studies which had been conducted under the supervision of former Secretary of Defense Robert S. McNamara. Had they bothered to realize the strange position in which this places the Times, they might have had second thoughts.

I am sure that the printing of that study would never be accepted by the Times editors as "donning the hair shirt," but the Arizona Republic in its editorial of June 17, 1971, very clearly points out the fact that the Times of 1971 is really accusing the Times of 1964 of being irrational, irresponsible, and just downright untruthful.

It is a pleasure for me to share this editorial with the Members of Congress:

THE RECORD SPEAKS FOR ITSELF

On September 24, 1964, when the New York Times was in the midst of its tirade against GOP Presidential nominee, Barry Goldwater, (two months earlier it had blamed him for the weekend violence in Harlem) that paper said that Goldwater did not inhabit "the same contemporary world" as Lyndon Johnson.

If the recent revelations in the Times are correct, one of the reasons Goldwater seemed not to inhabit the same contemporary world as the candidate so strongly supported by the Times, is that the Arizona Senator was consistently candid.

Goldwater's 1964 view about Vietnam—which led the Times to undertake one of the

most sustained hysterical attacks ever launched by a major newspaper against a Presidential candidate—was that the U.S. either would have to pull out or make an effort to win, the latter by bombing the north and by deploying additional troops. And since almost no one then publicly favored withdrawal—this was the time when the liberals who made the decision to commit American forces to a limited war in Vietnam were still defending that decision as in our national interest—Goldwater favored trying to win the war.

On the other hand, President Johnson was—as the Pentagon study so gently puts it—"in the midst of an election campaign in which he was presenting himself as the candidate of reason and restraint as opposed to the quixotic Barry Goldwater." No one did more to depict the election as a choice between the reasonable and restrained LBJ and the unreasonable and unrestrained Goldwater than did the Times. Yet even while LBJ was saying that he had no plans to bomb North Vietnam or enlarge the war, his administration had decided to bomb. One month after his inauguration, LBJ approved sustained bombing raids against the north.

The Times would no doubt argue that it was deceived by LBJ. But its error was in deceiving its readers about Goldwater. It is one thing to oppose a candidate's political stance, and of course the Times was entitled to do so. But it is something entirely different to denounce a candidate as "ignorant," "ill-informed," "devious," "devisive," "reactionary," "radical reactionary," "retrogressive," "anachronistic," "a hard core right winger"—all adjectives the Times applied to Goldwater—without making an honest effort to know or understand the man or his philosophy.

Goldwater has had a unique opportunity during the past few days to gloat. It is a further example of his honorableness that he has refused to do so, preferring instead to let the record speak for itself.

PROBLEM OF DRUG ADDICTION

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. SAYLOR. Mr. Speaker, yesterday President Nixon transmitted a comprehensive message to the Congress outlining the administration's all-out attack upon the mounting national problem of drug abuse. The President is to be congratulated for marshaling this Federal offensive on several fronts against this insidious menace.

I have joined the chairman of the Committee on Veterans' Affairs and several of our colleagues in cosponsoring a bill that will authorize a treatment and rehabilitation program for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency in Veterans' Administration facilities.

The bill, Mr. Speaker, which is being introduced today will permit the Veterans' Administration to provide needed treatment and rehabilitation for drug addiction, irrespective of the nature of the ex-serviceman's discharge. At the present time, a discharge under conditions other than dishonorable is a prerequisite to treatment in Veterans' Administration facilities. Many ex-servicemen, however, are given undesirable or

dishonorable discharges for drug-related offenses and thus are barred from needed treatment. The President has indicated the authority to treat these ex-servicemen in Veterans' Administration facilities will be sought. Our bill will accomplish this purpose.

There is one feature of the bill, Mr. Speaker, about which I have serious reservations. I am referring to the section that authorizes a narcotic treatment program for members of the Armed Forces in Veterans' Administration facilities. The medical care and treatment of active duty servicemen still in uniform has traditionally been the responsibility of the military services, while the care and treatment of veterans—men and women who have been separated from military service—has long been the responsibility of the Veterans' Administration. I believe it should remain that way.

The President, in his message, has stated:

The Department of Defense will provide rehabilitation programs to all servicemen being returned for discharge who want this help, and we will be requesting legislation to permit the military services to retain for treatment any individual due for discharge who is a narcotic addict.

Thus President Nixon has wisely determined that the active duty serviceman is the responsibility of the military service. With the expanded treatment and rehabilitation program envisioned within the military services for drug addicts, it appears that the Veterans' Administration effort should be limited to providing high-quality programs and adequate facilities for the discharged servicemen suffering from narcotic addiction. Certainly, it is difficult enough to obtain adequate funds and facilities for the care of sick veterans who are already eligible for treatment in Veterans' Administration hospitals. The added burden of responsibility for treatment of active duty servicemen addicted to drugs, despite the clear responsibility of the military to provide such care, would tax the Veterans' Administration's facilities far beyond their capacity to handle the added burden.

Mr. Speaker, with the exception I have noted, this bill will permit the Veterans' Administration to adequately and properly assist in solving this growing national social problem of drug addiction. I am hopeful that the bill can be perfected in committee so that we can soon report unanimously to this body for its consideration a sound drug-treatment program for veterans.

CONGRESSMAN WHALEN URGES COLLEAGUES TO READ ARMED FORCES JOURNAL ARTICLE ON THE STATE OF U.S. ARMED FORCES

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. WHALEN. Mr. Speaker, a most disturbing article concerning the state

of the Armed Forces appeared in a recent issue of the Armed Forces Journal.

Titled "The Collapse of the Armed Forces," the piece summarizes many of the problems the services presently are facing. A former Marine, Col. Robert D. Heintz, is the author.

I believe that Colonel Heintz has performed a distinct service to the Nation and the Congress in researching the issue. While we all may not agree with everything he says, I do believe that every Member of Congress should read the article.

Therefore, Mr. Speaker, I insert Colonel Heintz's commentary:

THE COLLAPSE OF THE ARMED FORCES

(By Col. Robert D. Heintz, Jr., North American Newspaper Alliance)

The morale, discipline and battleworthiness of the U.S. Armed Forces are, with a few salient exceptions, lower and worse than at any time in this century and possibly in the history of the United States.

By every conceivable indicator, our army that now remains in Vietnam is in a state approaching collapse, with individual units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous.

Elsewhere than Vietnam, the situation is nearly as serious.

Intolerably clobbered and buffeted from without and within by social turbulence, pandemic drug addiction, race war, sedition, civilian scapegoating, draftee recalcitrance and malevolence, barracks theft and common crime, unsupported in their travail by the general government, in Congress as well as the executive branch, distrusted, disliked, and often reviled by the public, the uniformed services today are places of agony for the loyal, silent professionals who doggedly hang on and try to keep the ship afloat.

The responses of the services to these unheard-of conditions, forces and new public attitudes, are confused, resentful, occasional pollyanna-ish, and in some cases even calculated to worsen the malaise that is wracking them.

While no senior officer (especially one on active duty) can openly voice any such assessment, the foregoing conclusions find virtually unanimous support in numerous non-attributable interviews with responsible senior and mid-level officers, as well as career noncommissioned officers and petty officers in all services.

Historical precedents do exist for some of the services' problems, such as desertion, mutiny, unpopularity, seditious attacks, and racial troubles. Others, such as drugs, pose difficulties that are wholly new. Nowhere, however, in the history of the Armed Forces have comparable past troubles presented themselves in such general magnitude, acuteness, or concentrated focus as today.

By several orders of magnitude, the Army seems to be in worse trouble. But the Navy has serious and unprecedented problems, while the Air Force, on the surface at least is still clear of the quicksands in which the Army is sinking, is itself facing disquieting difficulties.

Only the Marines—who have made news this year by their hard line against discipline and general permissiveness—seem, with their expected staunchness and tough tradition, to be weathering the storm.

BACK TO CAMPUS

To understand the military consequences of what is happening to the U.S. Armed Forces, Vietnam is a good place to start. It is in Vietnam that the rearguard of a 500,000-man army, in its day (and in the observation of the writer) the best army the United

States ever put into the field, is numbly extricating itself from a nightmare war the Armed Forces feel they had foisted on them by bright civilians who are now back on campus writing books about the folly of it all.

"They have set up separate companies," writes an American soldier from Cu Chi, quoted in the *New York Times*, "for men who refuse to go out into the field. It is no big thing to refuse to go. If a man is ordered to go to such and such a place he no longer goes through the hassle of refusing; he just packs his shirt and goes to visit some buddies at another base camp. Operations have become incredibly ragtag. Many guys don't even put on their uniforms any more . . . The American garrisons on the larger bases are virtually disarmed. The livers have taken our weapons from us and put them under lock and key . . . There have also been quite a few frag incidents in the battalion."

Can all this really be typical or even truthful?

Unfortunately the answer is yes.

"Frag incidents" or just "fragging" is current soldier slang in Vietnam for the murder or attempted murder of strict, unpopular, or just aggressive officers and NCOs. With extreme reluctance (after a young West Pointer from Senator Mike Mansfield's Montana was fragged in his sleep) the Pentagon has now disclosed that fraggings in 1970 (209) have more than doubled those of the previous year (96).

Word of the deaths of officers will bring cheers at troop movies or in bivouacs of certain units.

In one such division—the morale-plagued Americal—fraggings during 1971 have been authoritatively estimated to be running about one a week.

Yet fraggings, though hard to document, form part of the ugly lore of every war. The first such verified incident known to have taken place occurred 190 years ago when Pennsylvania soldiers in the Continental Army killed one of their captains during the night of 1 January 1781.

BOUNTIES AND EVASIONS

Bounties, raised by common subscription in amounts running anywhere from \$50 to \$1,000, have been widely reported put on the heads of leaders whom the privates and Sp4s want to rub out.

Shortly after the costly assault on Hamburger Hill in mid-1969, the GI underground newspaper in Vietnam, "G.I. Says", publicly offered a \$10,000 bounty in LCol Weldon Honeycutt, the officer who ordered (and led) the attack. Despite several attempts, however, Honeycutt managed to live out his tour and return Stateside.

"Another Hamburger Hill," (i.e., toughly contested assault), conceded a veteran major, "is definitely out."

The issue of "combat refusal", an official euphemism for disobedience of orders to fight—the soldier's gravest crime—has only recently been again precipitated on the frontier of Laos by Troop B, 1st Calvary's mass refusal to recapture their captain's command vehicle containing communication gear, codes and other secret operation orders.

As early as mid-1969, however, an entire company of the 196th Light Infantry Brigade publicly sat down on the battlefield. Later that year, another rifle company, from the famed 1st Air Cavalry Division, flatly refused—on CBS-TV—to advance down a dangerous trail.

(Yet combat refusals have been heard of before: as early as 1813, a corps of 4,000 Kentucky soldiers declined to engage British Indians who had just sacked and massacred Fort Dearborn (later Chicago).)

While denying further unit refusals, the Air Cav has admitted some 35 individual refusals in 1970 alone. By comparison, only two years earlier in 1968, the entire number

of officially recorded refusals for our whole army in Vietnam—from over seven divisions—was 68.

"Search and evade" (meaning tacit avoidance of combat by units in the field) is now virtually a principle of war, vividly expressed by the GI phrase, "CYA (cover your—) and get home!"

That "search-and-evade" has not gone unnoticed by the enemy is underscored by the Viet Cong delegation's recent statement at the Paris Peace Talks that communists units in Indochina have been ordered not to engage American units which do not molest them. The same statement boasted—not without foundation in fact—that American defectors are in the VC ranks.

Symbolic anti-war fasts (such as the one at Pleiku where an entire medical unit, led by its officers, refused Thanksgiving turkey), peace symbols, "V"-signs not for victory but for peace, booing and cursing of officers and even of hapless entertainers such as Bob Hope, are unhappily commonplace.

As for drugs and race, Vietnam's problems today not only reflect but reinforce those of the Armed Forces as a whole. In April, for example, members of a Congressional investigating subcommittee reported that 10 to 15% of our troops in Vietnam are now using high-grade heroin, and that drug addiction there is "of epidemic proportions."

Only last year an Air Force major and command pilot for Ambassador Bunker was apprehended at Tan Son Nhut air base outside Saigon with \$8-million worth of heroin in his aircraft. The major is now in Leavenworth.

Early this year, an Air Force regular colonel was court-martialed and cashiered for leading his squadron in pot parties, while, at Cam Ranh Air Force Base, 43 members of the base security police squadron were recently swept up in dragnet narcotics raids.

All the foregoing facts—and many more dire indicators of the worst kind of military trouble—point to widespread conditions among American forces in Vietnam that have only been exceeded in this century by the French Army's Nivelles mutinies of 1917 and the collapse of the Tsarist armies in 1916 and 1917.

SOCIETY NOTES

It is a truism that national armies closely reflect societies from which they have been raised. It would be strange indeed if the Armed Forces did not today mirror the agonizing divisions and social traumas of American society, and of course they do.

For this very reason, our Armed Forces outside Vietnam not only reflect these conditions but disclose the depths of their troubles in an awful litany of sedition, disaffection, desertion, race, drugs, breakdowns of authority, abandonment of discipline, and, as a cumulative result, the lowest state of military morale in the history of the country.

Sedition—coupled with disaffection within the ranks, and externally fomented with an audacity and intensity previously inconceivable—infests the Armed Services:

At best count, there appeared to be some 144 underground newspapers published on or aimed at U.S. military bases in this country and overseas. Since 1970 the number of such sheets has increased 40% (up from 103 last fall). These journals are not mere gripe-sheets that poke soldier fun in the "Beetle Bailey" tradition, at the brass and the sergeants. "In Vietnam," writes the Ft. Lewis-McChord Free Press, "the Lifers, the Brass, are the true Enemy, not the enemy." Another West Coast sheet advises readers: "Don't desert. Go to Vietnam and kill your commanding officer."

At least 14 GI dissent organizations including two made up exclusively of officers) now operate more or less openly. Ancillary to these are at least six antiwar veterans' groups which strive to influence GIs.

Three well-established lawyer groups specialize in support of GI dissent. Two (GI Civil Liberties Defense Committee and New York Draft and Military Law Panel) operate in the open. A third is a semi-underground network of lawyers who can only be contacted through the GI Alliance, a Washington, D.C., group which tries to coordinate seditious antimilitary activities throughout the country.

One antimilitary legal effort operates right in the theater of war. A three-man law office, backed by the Lawyers' Military Defense Committee, of Cambridge, Mass., was set up last fall in Saigon to provide free civilian legal services for dissident soldiers being court-martialed in Vietnam.

Besides these lawyers' fronts, the Pacific Counseling Service (an umbrella organization with Unitarian backing for a proliery of antimilitary activities) provides legal help and incitement to dissident GIs through not one but seven branches (Tacoma, Oakland, Los Angeles, San Diego, Monterey, Tokyo, and Okinawa).

Another of Pacific Counseling's activities is to air-drop plane-loads of seditious literature into Oakland's sprawling Army Base, our major West Coast staging point for Vietnam.

On the religious front, a community of turbulent priests and clergymen, some unfrocked, calls itself the Order of Maximilian. Maximilian is a saint said to have been martyred by the Romans for refusing military service as un-Christian. Maximilian's present-day followers visit military posts, infiltrate brigades and stockades in the guise of spiritual counseling, work to recruit military chaplains, and hold services of "consecrations" of post chapels in the name of their saintly draft-dodger.

By present count at least 11 (some go as high as 26) off-base antiwar "coffee houses" ply GIs with rock music, lukewarm coffee, antiwar literature, how-to-do-it tips on desertion, and similar disruptive counsels. Among the best-known coffee houses are: The Shelter Half (Ft. Lewis, Wash.); The Home Front (Ft. Carson, Colo.); and The Oleo Strut (Ft. Hood, Tex.).

Virtually all the coffee houses are or have been supported by the U.S. Serviceman's Fund, whose offices are in New York City's Bronx. Until May 1970 the Fund was recognized as a tax-exempt "charitable corporation," a determination which changed when IRS agents found that its main function was sowing dissent among GIs and that it was a satellite of "The New Mobilization Committee", a communist-front organization aimed at disruption of the Armed Forces.

Another "New Mobe" satellite is the G.I. Press Service, based in Washington, which calls itself the Associate Press of Military underground newspapers. Robert Wilkinson, G.I. Press's editor, is well known to military intelligence and has been barred from South Vietnam.

While refusing to divulge names, IRS sources say that the Serviceman's Fund has been largely bankrolled by well-to-do liberals. One example of this kind of liberal support for sedition which did surface identifiably last year was the \$8,500 nut channelled from the Philip Stern Family Foundation to underwrite Seaman Roger Priest's underground paper OM, which, among other writings, ran do-it-yourself advice for desertion to Canada and advocated assassination of President Nixon.

The nation-wide campus-radical offensive against ROTC and college officer-training is well known. Events last year at Stanford University, however, demonstrate the extremes to which this campaign (which peaked after Cambodia) has gone. After the Stanford faculty voted to accept a modified, specially restructured ROTC program, the university was subjected to a cyclone of continuing violence which included at least \$200,000 in ulti-

mate damage to buildings (highlighted by systematic destruction of 40 twenty-foot stained glass windows in the library). In the end, led by university president Richard W. Lyman, the faculty reversed itself. Lyman was quoted at the time that "ROTC is costing Stanford too much."

"Entertainment Industry for Peace and Justice," the antiwar show-biz front organized by Jane Fonda, Dick Gregory and Dalton Trumbo, now claims over 800 film, TV, and music names. This organization is backing Miss Fonda's antimilitary road-show that opened outside the gates of Ft. Bragg, N.C., in mid-March.

Describing her performances (scripted by Jules Pfeiffer) as the soldiers' alternative to Bob Hope, Miss Fonda says her cast will repeat the Ft. Bragg show at or outside 19 more major bases. Although her project reportedly received financial backing from the ubiquitous Serviceman's Fund, Miss Fonda insisted on \$1.50 admission from each of her GI audience at Bragg, a factor which, according to soldiers, somewhat limited attendance.

Freshman Representative Ronald V. Dellums (D-Calif.) runs a somewhat different kind of antimilitary production. As a Congressman, Dellums cannot be barred from military posts and has been taking full advantage of the fact. At Ft. Meade, Md., last month, Dellums led a soldier audience as they booed and cursed their commanding officer who was present on-stage in the post theater which the Army had to make available.

Dellums had also used Capitol Hill facilities for his "Ad Hoc Hearings" on alleged war crimes in Vietnam, much of which involves repetition of unfounded and often unprovable charges first surfaced in the Detroit "Winter Soldiers" hearings earlier this year. As in the case of the latter, ex-soldier witnesses appearing before Dellums have not always been willing to cooperate with Army war-crimes investigators or even to disclose sufficient evidence to permit independent verification of their charges. Yet the fact that five West Point graduates willingly testified for Dellums suggests the extent to which officer solidarity and traditions against politics have been shattered in today's Armed Forces.

STRONG AND NOT ALTOGETHER PLEASANT READING

The U.S. Armed Forces today face numerous problems, internal and external, which are both baffling in their complexity and disturbing in their implications. There is disagreement on both the scope and cause of those problems, just as there is disagreement concerning the proper methods of dealing with them; but there is no serious disagreement that the problems do, in fact, exist—and may be getting worse, on an almost daily basis.

The problems can't be swept under the rug. They have to be faced.

This article is not pleasant reading. But it is the single most lucid, readable, and responsible explication of those problems we've yet seen. Colonel Robert D. Heintz, Jr., the author, is an eminent military historian, a brilliant if sometimes abrasive journalist and commentator, and—most importantly, in our opinion—an officer and gentleman deeply and sincerely dedicated to the good of the United States and of the military men and women who defend it.

We do not, each of us, agree with each and every one of Colonel Heintz's own strongly held, and pungently expressed, comments and opinions. But the subject he addresses here, the status of the U.S. Armed Forces today, is far too compelling and too important, we believe, to permit our (usually minor) differences of opinion to exert a veto power over serious matters which must be faced, responsibly and eventually, by our military and civilian leaders.

You will not find this article pleasant, but

you will find it thought provoking, and, we think, important reading. We recommend it in the spirit that the first step in solving any problem is to state the problem.

THE ACTION GROUPS

Not unsurprisingly, the end-product of the atmosphere of incitement of unpunished sedition, and of recalcitrant antimilitary malevolence which pervades the world of the draftee (and to an extent the low-ranking men in "volunteer" services, too) is overt action.

One militant West Coast Group, Movement for a Democratic Military (MDM), has specialized in weapons theft from military bases in California. During 1970, large armory thefts were successfully perpetrated against Oakland Army Base, Fts. Cronkhite and Ord, and even the Marine Corps Base at Camp Pendleton, where a team wearing Marine uniforms got away with nine M-16 rifles and an M-79 grenade launcher.

Operating in the Middle West, three soldiers from Ft. Carson, Colo., home of the Army's permissive experimental unit, the 4th Mechanized Division, were recently indicted by federal grand jury for dynamiting the telephone exchange, power plant and water works of another Army installation, Camp McCoy, Wis., on 26 July 1970.

The Navy, particularly on the West Coast, has also experienced disturbing cases of sabotage in the past two years, mainly directed at ships' engineering and electrical machinery.

It will be surprising, according to informed officers, if further such tangible evidence of disaffection within the ranks does not continue to come to light. Their view is that the situation could become considerably worse before it gets better.

TOUGH LAWS, WEAK COURTS

A frequent reaction when people learn the extent and intensity of the subversion which has been beamed at the Armed Forces for the past three or more years is to ask whether such activities aren't banned by law. The answer is that indeed they are.

Federal law (18 USC 2387) prohibits all manner of activities (including incitements, counseling, distribution or preparation of literature, and related conspiracies) intended to subvert the loyalty, morale or discipline of the Armed Services. The penalty for violating this statute is up to ten years in prison, a \$10,000 fine, or both.

Despite this tough law, on the books for many years, neither the Johnson, nor so far, the Nixon administration has brought a single prosecution against any of the wide range of individuals and groups, some mentioned here, whose avowed aims are to nullify the discipline and seduce the allegiance of the Armed Forces.

Government lawyers (who asked not to be named) suggested two reasons for failure to prosecute. Under President Johnson, two liberal Attorneys General, Messrs. Ramsey Clark and Nicholas deB. Katzenbach, were reportedly unsympathetic to military pleas for help and in general to prosecutions for sedition of any kind. Besides, the lawyers said, the courts have now gone so far in extending First Amendment shelter to any form of utterance, that there is doubt whether cases brought under this law would hold.

Whatever the reason—and it appears mainly to be disinclination to prosecute or even test existing law—the services are today being denied legal protection they previously enjoyed without question and at a time when they need it worse than ever before. Continuing failure to invoke these sanctions prompted one senior commander to comment bitterly, "We simply can't turn this thing around until we get some support from our elected and appointed civilian officials."

One area of the U.S. Government in which the Armed Forces are encountering noticeable lack of support is the federal judiciary.

Until a very few years ago, the processes of

military justice were regarded as a nearly untouchable preserve which the civil courts entered with reluctance and diffidence.

Plagued by a new breed of litigious soldiers (and some litigious officers, too), the courts have responded by unprecedented rulings, mostly libertarian in thrust, which both specifically and generally have hampered and impeded the traditional operations of military justice and dealt body blows to discipline.

Andrew Stapp, the seditious soldier who founded the American Serviceman's Union, an organization aimed at undermining the disciplinary structure of the Armed Forces, last year had his well earned undesirable discharge reversed by a U.S. judge who said Stapp's right to unionize and try to overthrow the Army was an "off-duty" activity which the Army had no right to penalize in discharging him.

Libertarian Supreme Court Justice W. O. Douglas has impeded the Army in mobilizing and moving reservists, while his O'Callaghan decision not only released a convicted rapist but threw a wrench into military jurisdiction and court-martial precedents going back in some cases nearly two centuries.

In Oakland, Cal., last year, a federal court yanked some 37 soldiers from the gangplank of a transport for Vietnam (where all 37 had suddenly discovered conscientious objections to war) and still has them stalled on the West Coast some 18 months later.

The long-standing federal law against wearing of Armed Forces uniforms by persons intending to discredit the services was struck down in 1969 by the Supreme Court, which reversed the conviction of a uniformed actor who put on an antimilitary "guerrilla theater" skit on the street in Houston, Tex. As a result the Armed Forces are now no longer able to control subversive exploitation of the uniform for seditious purposes.

TACTICS OF HARASSMENT

Part of the defense establishment's problem with the judiciary is the now widely pursued practice of taking commanding officers into civil courts by dissident soldiers either to harass or annul normal discipline or administrative procedures of the services.

Only a short time ago, for example, a dissident group of active-duty officers, members of the Concerned Officers' Movement (COM), filed a sweeping lawsuit against Defense Secretary Laird himself, as well as all three service secretaries, demanding official recognition of their "right" to oppose the Vietnam war, accusing the secretaries of "harassing" them, and calling for court injunction to ban disciplinary "retaliation" against COM members.

Such nuisance suits from the inside (usually, like the Laird suit, on constitutional grounds) by people still in uniform, let alone by officers, were unheard-of until two or three years ago. Now, according to one Army general, the practice has become so common that, in his words, "I can't even give a directive without getting permission from my staff judge advocate."

RACIAL INCIDENTS

Sedition and subversion, and legal harassment, rank near the top of what might be called the unprecedented external problems that elements in American society are inflicting on the Armed Forces.

Internally speaking, racial conflicts and drugs—also previously insignificant—are tearing the services apart today.

Racial troubles is no new thing for the Army. In 1906, after considerable provocation, three companies of the 25th Infantry (a colored regular regiment) attacked white troops and townspeople of Brownsville, Texas, and had to be disbanded. Among the few pre-World War II War Department records still heavily classified and thus unavailable to scholars are Army documents on racial troubles.

Racial conflicts (most but not all sparked

by young black enlisted men) are erupting murderously in all services.

At a recent high commanders' conference, General Westmoreland and other senior generals heard the report from Germany that in many units white soldiers are now afraid to enter barracks alone at night for fear of "head-hunting" ambushes by blacks.

In the quoted words of one soldier on duty in West Germany, "I'm much more afraid of getting mugged on the post than I am of getting attacked by the Russians."

Other reports tell of jail-delivery attacks on Army stockades and military police to release black prisoners, and of officers being struck in public by black soldiers, Augsburg, Krallsheim, and Hohenfels are said to be rife with racial trouble. Hohenfels was the scene of a racial fraying last year—one of the few so far recorded outside Vietnam.

In Ulm, last fall, a white noncommissioned officer killed a black soldier who was holding a loaded .45 on two unarmed white officers.

Elsewhere, according to Fortune magazine, junior officers are now being attacked at night when inspecting barracks containing numbers of black soldiers.

Kelley Hill, a Ft. Benning, Ga., barracks area, has been the scene of repeated nighttime assaults on white soldiers. One such soldier bitterly remarked, "Kelley Hill may belong to the commander in the daytime but it belongs to the blacks after dark."

Even the cloistered quarters of WACs have been hit by racial hair-pulling. In one West Coast WAC detachment this year, black women on duty as charge-of-quarters took advantage of their trust to vandalize unlocked rooms occupied by white WACs. On this rampage, they destroyed clothing, emptied drawers, and overturned furniture of their white sisters.

But the Army has no monopoly on racial troubles.

As early as July 1969 the Marines (who had previously enjoyed a highly praised record on race) made headlines at Camp Lejeune, N.C., when a mass affray launched by 30-50 black Marines ended fatally with a white corporal's skull smashed in and 15 other white Marines in the sick bay.

That same year, at Newport, R.I., naval station, blacks killed a white petty officer, while in March 1971 the National Naval Medical Center in Bethesda, Md., outside Washington, was beset by racial fighting so severe that the base enlisted men's club had to be closed.

All services are today striving energetically to cool and control this ugly violence which in the words of one noncommissioned officer, has made his once taut unit divide up "like two street gangs."

MGen Orwin C. Talbott, at Ft. Benning, has instituted what he calls "race relations coordinating groups" which work to defuse the resentments of young black troopers at a Georgia base.

MGen John C. Bennett, commanding the 4th Mechanized Division at Ft. Carson, Colo., has a highly successful "racial relations committee" which has kept Carson cool for over a year.

At once-troubled Camp Lejeune, MGen Michael P. Ryan, the Tarawa hero who commands the 2d Marine Division, appears to have turned off the race war that two years ago was clawing at the vitals of his division.

Yet even the encouraging results attained by these commanders do not bespeak general containment of the service-wide race problem any more than the near-desperate attack being mounted on drug abuse has brought the narcotics epidemic under control within the military.

DRUGS AND THE MILITARY

The drug problem—like the civilian situation from which it directly derives—is running away with the services. In March, Navy Secretary John H. Chafee, speaking for the

two sea services, said bluntly that drug abuse in both Navy and Marines is out of control.

In 1966, the Navy discharged 170 drug offenders. Three years later (1969), 3,800 were discharged. Last year in 1970, the total jumped to over 5,000.

Drug abuse in the Pacific Fleet—with Asia on one side, and kinky California on the other—gives the Navy its worst headaches. To cite one example, a destroyer due to sail from the West Coast last year for the Far East nearly had to postpone deployment when, five days before departure, a ring of some 30 drug users (over 10 percent of the crew) was uncovered.

Only last week, eight midshipmen were dismissed from the Naval Academy following disclosure of an alleged drug ring. While the Navy emphatically denies allegations in a copyrighted article by the *Annapolis Capitol* that up to 1,000 midshipmen now use marijuana, midshipman sources confirm that pot is anything but unknown at Annapolis.

Yet the Navy is somewhat ahead in the drug game because of the difficulty in concealing addiction at close quarters aboard ship, and because fixes are unobtainable during long deployments at sea.

The Air Force, despite 2,715 drug investigations in 1970, is in even better shape: its rate of 3 cases per thousand airmen is the lowest in the services.

By contrast, the Army had 17,742 drug investigations the same year. According to Col. Thomas B. Hauschild, of the Medical Command of our Army forces in Europe, some 46 percent of the roughly 200,000 soldiers there had used illegal drugs at least once. In one battalion surveyed in West Germany, over 50 percent of the men smoked marijuana regularly (some on duty), while roughly half of those were using hard drugs of some type.

What these statistics say is that the Armed Forces (like their parent society) are in the grip of a drug pandemic—a conclusion underscored by the one fact that, just since 1968, the total number of verified drug addiction cases throughout the Armed Forces has nearly doubled. One other yardstick: according to military medical sources, needle hepatitis now poses as great a problem among young soldiers as VD.

At Ft. Bragg, the Army's third largest post, adjacent to Fayetteville, N.C. (a garrison town whose conditions one official likened to New York's "East Village" and San Francisco's "Haight-Ashbury") a recent survey disclosed that 4% (or over 1,400) of the 36,000 soldiers there are hard-drug (mainly heroin and LSD) addicts. In the 82nd Airborne Division, the strategic-reserve unit that boasts its title of "America's Honor Guard", approximately 450 soldier drug abusers were being treated when this reporter visited the post in April. About a hundred were under intensive treatment in special drug wards.

Yet Bragg is the scene of one of the most imaginative and hopeful drug programs in the Armed Forces. The post commander, LGen John J. Tolson, and the 82nd Airborne's commander, MGen George S. Blanchard, are pushing "Operation Awareness," a broad post-wide program focused on hard drugs, prevention, and enforcement.

Spearheading Operation Awareness is a tough yet deeply humane Army chaplain and onetime Brooklyn longshoreman, LCol John P. McCullagh. Father McCullagh has made himself one of the Army's top experts on drugs, and was last year called as an expert witness by Harold Hughes' Senate Subcommittee on Alcohol and Narcotics.

NO STREET IS SAFE

One side-effect of the narcotics flood throughout the services is a concurrent epidemic of barracks theft and common criminality inside military or naval bases which once had the safest streets in America.

According to the personnel chief of one of the Army's major units, unauthorized absence, historically the services' top disciplinary problem, is now being crowded by the thefts. Barracks theft destroys trust and mutual loyalty among men who ought to be comrades and who must rely absolutely on each other in combat. It corrodes morale and is itself an indicator of impossible conditions in a fighting unit.

At Ft. Bragg, primarily because of addict thieves, soldiers in many units cannot even keep bedding on their bunks in barracks. After what used to be reveille, they strip their bunks of bedding and cram it away under lock and key with whatever valuables they dare keep on hand.

Radios, sports gear, tape decks, and cameras—let alone individual equipment—are stolen on sight. Unlocked cars, on the manicured streets of this fine old post, are more likely to be stolen than not. Fayetteville, according to soldiers, abounds with off-post fences who will pay pennies for Army blankets and higher amounts for just about anything else.

Unhappily, conditions at Ft. Bragg are not unusual.

Soldier muggings and holdups are on the rise everywhere. Ft. Dix, N.J., has a higher rate of on-post crime than any base on the East Coast. Soldier muggings are reported to average one a night, with a big upsurge every pay-day. Despite 450 MP's (one for every 55 soldiers stationed there—one of the highest such ratios in the country) no solution appears in sight.

Crimes are so intense and violent in the vicinity of an open-gate "honor-system" detention facility at Ft. Dix that, according to press reports, units on the base are unwilling to detail armed sentinels to man posts nearby, for fear of assault and robbery.

DESERTIONS AND DISASTERS

With conditions what they are in the Armed Forces, and with intensive efforts on the part of elements in our society to disrupt discipline and destroy morale the consequences can be clearly measured in two ultimate indicators: manpower retention (reenlistments and their antithesis, desertions); and the state of discipline.

In both respects the picture is anything but encouraging.

Desertion, to be sure, has often been a serious problem in the past. In 1826 for example, desertions exceeded 50% of the total enlistments in the Army. During the Civil War, in 1864, Jefferson Davis reported to the Confederate Congress: "Two thirds of our men are absent, most absent without leave."

Desertion rates are going straight up in Army, Marines, and Air Force. Curiously, however, during the period since 1968 when desertion has nearly doubled for all three other services, the Navy's rate has risen by less than 20 percent.

In 1970, the Army had 65,643 deserters, or roughly the equivalent of four infantry divisions. This desertion rate (52.3 soldiers per thousand) is well over twice the peak rate for Korea (22.5 per thousand). It is more than quadruple the 1966 desertion-rate (14.7 per thousand) of the then well-trained, high-spirited professional Army.

If desertions continue to rise (as they are still doing this year), they will attain or surpass the WWII peak of 63 per thousand, which, incidentally, occurred in the same year (1945) when more soldiers were actually being discharged from the Army for psychoneurosis than were drafted.

The Air Force—relatively uninvolved in the Vietnam war, all-volunteer, management-oriented rather than disciplinary and hierarchic—enjoys a numerical rate of less than one deserter per thousand men, but even this is double what it was three years ago.

The Marines in 1970 had the highest deser-

tion index in the modern history of the Corps and, for that year at least, slightly higher than the Army's. As the Marines now phase out of Vietnam (and haven't taken a draftee in nearly two years), their desertions are expected to decrease sharply. Meanwhile, grimly remarked one officer, "Let the bastards go. We're all the better without them."

Letting the bastards go is something the Marine Corps can probably afford. "The Marine Corps Isn't Looking for a Lot of Recruits," reads a current recruiting poster, "We Just Need a Few Good Men." This is the happy situation of a Corps slimming down to an elite force again composed of true volunteers who want to be professionals.

But letting the bastards go doesn't work at all for the Army and the Navy, who do need a lot of recruits and whose reenlistment problems are dire.

Admiral Elmo R. Zumwalt, Jr., Chief of Naval Operations, minces no words. "We have a personnel crisis," he recently said, "that borders on disaster."

The Navy's crisis, as Zumwalt accurately describes it, is that of a highly technical, material oriented service that finds itself unable to retain the expensively-trained technicians needed to operate warships, which are the largest, most complex items of machinery that man makes and uses.

NON-VOLUNTEER FORCE?

If 45% of his sailors shipped over after their first enlistment, Admiral Zumwalt would be all smiles. With only 13% doing so, he is growing sideburns to enhance the Navy's appeal to youth.

Among the Army's volunteer (non-draftee) soldiers on their first hitch, the figures are much the same: less than 14% re-up. The Air Force is slightly, but not much, better off: 16% of its first-termers stay on.

Moreover—and this is the heart of the Army's dilemma—only 4% of the voluntary enlistees now choose service in combat arms (infantry, armor, artillery) and of those only 2.5% opt for infantry. Today's soldiers, it seems, volunteer readily enough for the tail of the Army, but not for its teeth.

For all services, the combined retention rate this past year is about half what it was in 1966, and the lowest since the bad times of similar low morale and national disenchantment after Korea.

Both Army and Navy are responding to their manpower problems in measures intended to seduce recruits and reenlistees; disciplinary permissiveness, abolition of reveille and KP, fewer inspections, longer haircuts—essentially cosmetic changes aimed at softening (and blurring) traditional military and naval images.

Amid such changes (not unlike the Army's 1946 Doolittle Board coincidences intended in their similar postwar day to sweeten life for the privates), those which are not cosmetic at all may well exert profound and deleterious effects on the leadership, command authority and discipline of the services.

SOULBONE CONNECTED TO THE BACKBONE

"Discipline," George Washington once remarked, "is the soul of an army."

Washington should know. In January 1781, all the Pennsylvania and New Jersey troops in the Continental Army mutinied. Washington only quelled the outbreaks by disarming the Jersey mutineers and having their leaders shot in hollow square—by a firing squad made up of fellow mutineers.

(The Navy's only mutiny, aboard USS *Somers* in 1842, was quelled when the captain hanged the mutineers from the yardarm while still at sea.)

If Washington was correct (and almost any professional soldier, whether officer or NCO, will agree), then the Armed Forces today are in deep trouble.

What enhances this trouble, by exponential dimensions, is the kind of manpower

with which the Armed Forces now have to work. As early as three years ago, U.S. News and World Report reported that the services were already plagued with "... a new breed of man, who thinks he is his own Secretary of State, Secretary of Defense, and Attorney General. He considers himself superior to any officer alive. And he is smart enough to go by the book. He walks a tight-rope between the regulations and sedition."

Yet the problem is not just one of trouble-makers and how to cope with them.

The trouble of the services—produced by and also in turn producing the dismaying conditions described in this article—is above all a crisis of soul and backbone. It entails—the word is not too strong—something very near a collapse of the command authority and leadership. George Washington saw as the soul of military forces. This collapse results, at least in part, from a concurrent collapse of public confidence in the military establishment.

General Matthew B. Ridgway, one of the Army's finest leaders in this century (who revitalized the shaken Eighth Army in Korea after its headlong rout by the Chinese in 1950) recently said, "Not before in my lifetime... has the Army's public image fallen to such low esteem..."

But the fall in public esteem of all three major services—not just the Army—is exceeded by the fall or at least the enfeeblement of the hierarchic and disciplinary system by which they exist and, when ordered to do so, fight and sometimes die.

Take the case of the noncommissioned and petty officers.

In Rudyard Kipling's lines, "The backbone of the Army is the noncommissioned man!"

Today, the NCOs—the lifers—have been made strangers in their own home, the regular service, by the collective malevolence, recalcitrance and cleverness of college-educated draftees who have outflanked the traditional NCO hierarchy and created a privates' power structure with more influence on the Army of today than its sergeants major.

NO OFFICE FOR THE OMBUDSMAN

In the 4th Mechanized Division at Ft Carson, Sp 4 David Gyongyos, on his second year in the Army, enjoys an office across the hall from the division commander, a full-time secretary, and staff car and driver also assigned full time. He has the home phone numbers of the general and chief of staff and doesn't hesitate to use them out of working hours when he feels like it.

Gyongyos (with a bachelor's degree in theology and two years' law school) is Chairman of the division's Enlisted Men's Councils, a system of elected soviets made up of privates and Sp 4s (NCOs aren't allowed) which sits at the elbow of every unit commander down to the companies. "I represent, electively," Gyongyos expansively told this reporter, "the 17,000 men on this post."

The division sergeant major, with a quarter-century in the Army, who is supposed to be the division's first soldier and—non-electively—father and ombudsman of every soldier, has an office which is not even on the same floor with the general (or Sp 4 Gyongyos either). He gets his transportation, as needed, from the motor pool. He does not "rap" freely over the phone to the general's quarters.

The very most that Gyongyos will concede to the sergeant major, the first sergeants, the platoon sergeants—the historic enlisted leadership of armies—is that they are "combat technicians." They are not, he coldly adds, "highly skilled in the social sciences."

The soldiers' soviets of the 4th Division represent an experiment in what the Army calls "better communications". Conditions throughout the rest of the Army do not quite duplicate those at Carson, but the same spirit is abroad. And experienced NCOs everywhere feel threatened or at least puzzled.

Most major units of the Army, Navy, and Air Force have some form of enlisted men's councils, as well as junior officer councils. Even the trainee companies at Ft Ord, Calif. have councils, made up of recruits, who take questions and complaints past their DIs to company commanders and hold weekly meetings and post minutes on bulletin-boards. General Pershing, who once said "All a soldier needs to know is how to shoot and salute", would be surprised.

THE VOCALISTS

As for the officers, said a four-star admiral, "We have lost our voice."

The foregoing may be true as far as admirals are concerned, but hasn't hampered short-term junior officers (including several West Pointers) from banding together into highly vocal antiwar and antimilitary organizations, such as the Concerned Officers' Movement (COM). At Norfolk, the local COM chapter has a peace billboard outside Gate 2, Norfolk Naval Station, where every sailor can profit by the example of his officers.

Inspection—one of the most important and traditionally visible tools of command—is being widely soft-pedaled because it is looked on as "chicken" by young soldiers, sailors, and airmen.

In a move "to eliminate irritants to Air Force life" all major Air Force commands got orders last year to cut back on inspection of people and facilities.

"You just damn near don't inspect barracks any more," said one Air Force colonel, "this is considered an irritant." Besides, he added (partly to prevent barracks theft and partly for privacy) airmen keep the keys to their own rooms, anyway.

Aboard ships of the Navy, where every inch of metal and flake of paint partakes in the seaworthiness and battle readiness of the vessel, inspection is still a vital and nearly constant process, but even here, Admiral Zumwalt has discouraged "unnecessary" inspections.

If officers have lost their voices, their ears have in many commands been opened if not burnt in an unprecedented fashion via direct "hot lines" or "action lines" whereby any enlisted man can ring up his CO and voice a gripe or an obscenity, or just tell him what he thinks about something or, for that matter, someone.

Starting last year at Naval Air Station, Miramar, Cal., sailors have been able to dial "C-A-P-T" and get their captain on the line. The system so impressed Admiral Zumwalt that he ordered all other shore stations to follow suit, even permitting anonymous calls.

At Ft. Lewis, Wash., soldiers dial "B-O-S-S" for the privilege of giving the general an earful.

At the Air Force Academy, cadets receive early indoctrination in the new order of things; here, too, a cadet (anonymously, if he wishes) can phone the Superintendent, record his message and, also by recording, receive the general's personal thanks for having called.

WORD TO THE WHY'S

"Discipline," wrote Sir John Jervis, one of England's greatest admirals, "is summed up in one word, obedience."

Robert E. Lee later said, "Men must be habituated to obey or they cannot be controlled in battle."

In the Armed Forces today, obedience appears to be a sometime thing.

"You can't give them an order and expect them to obey immediately," says an infantry officer in Vietnam. "They ask why, and you have to tell them."

Command authority, i.e., the unquestioned ability of an officer or NCO to give an order and expect it to be complied with, is at an all-time low. It is so low that, in many units, officers give the impression of having lost their nerve in issuing orders, let alone enforcing orders.

In the words of an Air Force officer to this

reporter, "If a captain went down on the line and gave an order and expected it to be obeyed because 'I said so!'—there'd be a rebellion."

Other officers unhesitatingly confirmed the foregoing.

What all this amounts to—conspicuously in Vietnam and only less so elsewhere—is that today's junior enlisted man, not the lifer, but the educated draftee or draft-motivated "volunteer"—now demands that orders be simplistically justified on his own terms before he feels any obligation to obey.

Yet the young soldiers, sailors and airmen might obey more willingly if they had more confidence in their leaders. And there are ample indications that Armed Forces junior (and NCO) leadership has been soft, inexperienced, and sometimes plain incompetent.

In the 82d Airborne Division today, the average length of service of the company commanders is only 3½ years.

In the Navy, a man makes petty officer 2d class in about 2½ years after he first enlists. By contrast, in the taut and professional pre-WWII fleet, a man required 2½ years just to make himself a really first-class seaman.

The grade of corporal has practically been superseded in the Army: Sp 4s hold most of the corporals' billets. Where the corporal once commanded a squad, today's Army gives the job to a staff sergeant, two ranks higher. Within the squad, it now takes a sergeant to command three other soldiers in the lowly fire-team.

"This never would have happened," somberly said a veteran artillery sergeant major, "if the NCOs had done their jobs... The NCOs are our weak point." Sp 4 Gyongyos at Ft Carson agrees: "It is the shared perception of the privates that the NCOs have not looked out for the soldiers."

When B Troop, 1st Cavalry, mutinied during the Laos operation, and refused to fight, not an officer or NCO raised his hand (or his pistol) or stepped forward. Fifty-three privates and Sp 4s cowed all the lifers of their unit.

"Officers," says a recently retired senior admiral, "do not stand up for what they believe. The older enlisted men are really horrified."

Lieutenant William L. Calley, jr, an ex-company clerk, was a platoon leader who never even learned to read a map. His credentials for a commission were derisory; he was no more officer-material than any Pfc in his platoon. Yet the Army had to take him because no one else was available. Commenting on the Calley conviction, a colonel at Ft Benning said, "We have at least two or three thousand more Calleys in the Army just waiting for the next calamity."

Albert Johnson, the tough Master Chief Petty Officer of the Atlantic Fleet, shakes his head and says: "You used to hear it all the time—people would say, 'The Chiefs run the Navy.' But you don't hear it much any more, especially from the Chiefs."

A HARD LOT AT BEST

But the lot of even the best, most forceful leader is a hard one in today's military.

In the words of a West Point lieutenant colonel commanding an airborne battalion, "There are so many ways nowadays for a soldier that is smart and bad to get back at you." The colonel should know: recently he reduced a sergeant for gross public insubordination, and now he is having to prepare a lengthy apology, through channels to the Secretary of The Army, in order to satisfy the offending sergeant's congressman.

"How do we enforce discipline?" asks a senior general. Then he answers himself: "Sweep it under the rug. Keep them happy. Keep it out of the press. Do things the easy way: no court-martials, but strong discipline."

Toward the end of the eighteenth century, after years of costly, frustrating and considerably less than successful war, Britain's

armed forces were swept by disaffection culminating in the widespread mutinies in most of the ships and fleets that constituted England's "wooden walls" against France.

Writing to a friend in 1797, Britain's First Lord of the Admiralty said, "The Channel Fleet is now lost to the country as much as if it was at the bottom of the sea."

Have things gone that far in the United States today?

The most optimistic answer is—probably not. Or at least not yet.

But many a thoughtful officer would be quick to echo the words of BGen Donn A. Starry, who recently wrote, "The Army can defend the nation against anything but the nation itself."

Or—in the wry words of Pogo—we have met the enemy, and they are us.

"HOOSIERLAND HIPPIES"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. BRAY. Mr. Speaker, recent national publicity has brought to our attention the so-called "Raintree Tribe" of Brown County, Ind.

Brown County, famous for its natural beauty, has been for many years a retreat and shelter for those who desire to return to the land, to live apart from our busy hectic world.

However, the "Raintree Tribe" represents the new breed of recluse, those who live in seclusion while they attempt to plan the destruction of American life as we know it. Carolyn Pickering, staff reporter of the Indianapolis Star, has visited the Raintree Tribe and found them living off the land with the aid of U.S. Government food stamps and illegal drugs. Her article "Hippies Brag of Destruction, Fly Cong Flag" from June 11, 1971 edition of the Indianapolis Star follows:

HIPPIES BRAG OF DESTRUCTION, FLY CONG FLAG

(By Carolyn Pickering)

Nashville, Ind.—Eight Negro youths, three white boys trying to grow beards, two well-spoken young white women and a 16-month-old blond girl with a china-doll look, sat around a beat-up table in a Brown County shanty yesterday and talked.

Oh, how they talked! Of the injustice being done to their leader, 29-year-old Larry E. Canada Jr., the self-styled chief of the Raintree Tribe.

They chattered about burning draft cards, mused about blowing up Selective Service headquarters if given the opportunity, bragged about deliberate destruction of United States Air Force planes in Vietnam.

And, when mouths were parched from talk, they munched on Jell-O and drank coffee purchased with Federal food stamps given willingly by the government they want to crush.

Outside the ramshackle building they call home, where lame dogs and sickly cats limp about and flies and hornets buzz without interference, the Viet Cong flag wavered in the summer breeze.

On the dusty road outside, a couple of trucks sat all day. Three men wearing forestry uniforms tinkered with the trees.

"They ain't conservationists. They're pigs," said one Negro activist with dilated eyes who said his name was "Wizard."

Farther down the road a car with five men in neat business suits, carrying brief-

cases, called on all the long-time residents of the area.

They identified themselves as Bible salesmen.

In the town of Nashville, where curio shops for years were the principal attraction of this resort community, the talk was of little but Larry Canada, the rich girl he married and was divorced by, only five days before the March 1 Capitol bombing in Washington.

Canada, and his ex-wife, Kathy Noyes Canada, 24, who said Wednesday she's been "traveling" with her former spouse since the divorce, are in Detroit, Mich., under subpoena to testify before a grand jury there reportedly probing May day demonstrations in Washington and the Capitol bombing.

At the time of the divorce, according to Brown Circuit Court records, Canada assigned all mortgages and real estate to Kathy.

The same day, say Brown County recorder records, the acreage—more than 500 acres, including the palatial home they shared—was leased back to Canada.

Kathy paid all the costs of the divorce and gave up her right to a \$19,000 savings account in the Nashville State Bank, the records disclose.

It wasn't long after that that Canada took out a whopper ad in the Brown County Democrat announcing he would pay no more Federal taxes.

In the same issue, Kathy paid for an ad indorsing the People's Peace Treaty—the treaty negotiated in Hanoi by former Indiana University student leader Keith Parker and others.

All that was before the revolution, so to speak. Local residents say strangers arrived from all over the country before the Washington demonstrations.

Activist Rennie Davis was a houseguest of Canada's.

Rental vans popped up to haul the troops to Washington, say members of the "tribe," which numbers at least 75, living in shacks scattered throughout the acreage.

Yesterday, Karen Davis, a 23-year-old beauty from Houston, Tex., and mother of the chubby blond baby, rolled her own cigarette and talked of many things.

On the table in front of her was a thick volume entitled, "The Fellowship of the Ring." It had been handed by many hands.

"I was interested in living in the country, where there's fresh air, so I traveled all over the country, searching for a place in which to raise my daughter," she said.

Karen, if that is her name, was college-educated and said her father is an oil executive in Texas.

"We all work and live together with our sustenance from the land," she said.

Outside, the only evidence of work was a battered fence enclosing a few chickens who clucked happily. The surrounding acreage bore only age-old scrub brush.

Karen was in Washington on May Day, helping "feed the people" she said.

She smokes "pot" because "it's more beautiful than alcohol."

Over on a dilapidated couch slouched 21-year-old Michael Christenziano, wearing a tattered Army shirt and combat boots. Mike's eyes blaze with scorn for the government he served in Vietnam.

But, he says he enlisted when he was 17 "just to foul up this lousy government."

Christenziano boasts that he "blew up" U.S. Air Force aircraft engines during the year he was in Vietnam.

"Every engine I messed up cost this government a half million dollars. I did all my work in the Army for Charlie (Viet Cong). They're a lot smarter than we are," he boasted.

He says he was given a medical discharge in May, 1970, because "they didn't quite have the goods on me on all the . . . I did to the government."

Michael says it's going to take a "lot of panning" to "blow up this government."

He and his admittedly radical "family" chorused that "there's only two good men in Congress and they're both from Indiana—Jacobs and Bayh." (Congressman Andrew Jacobs, Jr., and Senator Birch E. Bayh.)

On the 1972 presidential election, they'd like a ticket of Senator Edmund Muskie and Alaska's Walter Hickel, deposed by President Nixon as secretary of the interior.

Puffing on a pipe, 21-year-old Donald Gray of Washington, D.C., says he came to Raintree because he was tired of the "hassle of the city and I'd never seen a chicken."

He explained the Viet Cong flag outside thusly:

"A lot of good guys have died for that flag."

He thinks the "kids" are the ones to overthrow the government.

All cops are "sadists," in his opinion. He's burned his draft card. He'd like the chance to burn the Selective Service headquarters.

"If it takes violence, then that's what's going to happen," he declares with no hesitation.

The one who called himself "Wizard" said he was with activist Leslie Bacon in Washington the day of the Capitol bombing.

"Leslie didn't do nothing," he said.

They all worship Angela Davis because of her leadership and, besides, says Gray—"she's a cool looking chick."

The "Wizard" says LSD is good for "meditating, psychic experiences and it's groovy."

Gray says it's simple to "float through a keyhole when you drop acid."

The "Wizard" says he was arrested in Washington for "doing nothing."

"I was boppin' down the street and upended a couple of Volkswagens—that's all," he giggled while jumping on the broken down couch.

As far as Canada is concerned, the 12 tribesmen aren't worried.

"Larry's got too much pull for the pigs," they say.

All the while, the curly-haired little daughter of Karen played with the bugs on the floor and occasionally hugged an old blue baby blanket—a secure and cuddly bit of warmth for babies through all generations and eras.

Back in town, Brown County Clerk Miller Thixton regards Canada's hippies as "wasting away their youth."

"I thought they'd go away after a while, but they haven't," he says.

The Recorder, Mrs. Pat McCormick, blames her own community for the residency of the revolutionaries.

"They just came in a couple of years ago and no one did anything to stop them. Maybe since their chief has been arrested they'll fold up their tents and steal away."

But, she doesn't sound very hopeful.

Across the street from the courthouse, Mrs. Jewell Culver, who says she's the only Federal food stamp caseworker in the county, says the Canada clan regularly obtains food stamps.

She won't say how many or for how much. Federal regulations, you know.

"If they qualify, based on income and the number in the family, they get stamps," she says.

She explains "they have chosen this way of life and low income and are entitled to benefits."

"There's nothing in our book of regulations about political philosophies," she declares.

Mrs. McCormick and others are not so charitable.

When one of the women came to town with her baby, "naked as a jaybird" on her hip, the town was aghast.

"They better never come in here that way," Mrs. McCormick warns.

Out on the courthouse square an old man rocked in a chair, talked of the horse-and-buggy days, and just shook his head sadly.

PROF. ROBERT LEKACHMAN'S
TESTIMONY BEFORE THE HOUSE
WAYS AND MEANS COMMITTEE ON
THE ISSUE OF REVENUE SHARING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. RYAN. Mr. Speaker, Prof. Robert Lekachman, leading economist and economic analyst teaching at the State University of New York at Stony Brook, testified on June 15, 1971, before the House Ways and Means Committee. The subject of his testimony was revenue sharing.

During the course of this testimony, Professor Lekachman expressed the view that—

General revenue sharing is an extraordinarily bad solution to grave problems of state and local finance.

He went on to say that—

The problem of the moment scarcely seems to be the disposal of federal budgetary surpluses . . . the most significant priority is rather restoration of sound momentum to categorical grant programs; the hope is that Congress will "move toward federal financing of such national dilemmas as welfare. . . .

Professor Lekachman also observed:

Federal social programs, it is worth reiterating, developed because states and localities demonstrated their inability to cope with the intricate and the interlocked necessities of a complex, continental society. The complexity of the issues has not diminished and the ability of the states and the localities to resolve them has not increased. Accordingly evidence is lacking that a shift from federal to local control will increase either the equity or the efficiency with which tax resources are expended.

Professor Lekachman ended his testimony by stating:

I urge this Committee and the Congress in the strongest possible terms to reject both general and special revenue sharing.

I commend Professor Lekachman's testimony to my colleagues:

STATEMENT TO THE HOUSE WAYS AND MEANS
COMMITTEE BY ROBERT LEKACHMAN

Mr. Chairman and Committee members, I am grateful for this opportunity to voice my opinion of revenue sharing.

I can put that opinion succinctly: general revenue sharing is an extraordinarily bad solution to grave problems of state and local finance. Special revenue sharing is far worse.

I start with general revenue sharing. In 1964 when my distinguished professional colleagues Walter Heller and Joseph Pechman floated their version of general revenue sharing during those hazy Great Society days which preceded Viet Nam escalation, their concern was not only with state and local fiscal requirements but even more with the danger that the series of full employment budget surpluses which they glimpsed just over the horizon, would tempt Congress into repeated bouts of general tax reduction. Since in their view what was much more urgently needed was a rectification of the imbalance between private and public spending in favor of the latter, they hit upon revenue sharing as a politically viable means of channeling expanding federal revenues in the direction of state and local public services.

The occasion for this somewhat ancient history is the clear distinction that it facilitates between 1964 and 1971. Unhappily in this year there is neither the presence nor the immediate prospect of full employment or any variety of budget surplus, conven-

tional, full employment, or national income accounting. Indeed seldom has a rich country felt so pressed by imperative military, social, and environmental needs. Typical of the condition has been the necessity encountered by the Congress to widen the normal gap between authorizations and appropriations. Last summer's study by the Advisory Commission on Intergovernmental Relations of 169 programs with fixed dollar authorizations, concluded that appropriations were approximately 80 percent of authorizations in 1966 but only 65 per cent in 1970. In the words of the Report,

"The widest gap occurred in programs of the Department of Health, Education and Welfare. It reflects authorizations for a massive infusion of funds for human resources over a five-year period in the mid-sixties at the same time that taxes were cut and commitments in Viet Nam escalated."

Education has been particularly hard hit. Its appropriations declined from 60.48 per cent of authorizations in 1968, to 42.29 per cent in 1969, 31.27 per cent in 1970, and 36.65 per cent in 1971. The fiscal 1972 outlook is at least equally grim.

In short the problem of the moment scarcely seems to be the disposal of federal budgetary surpluses. From one point of view (which I share), the most significant priority is rather the restoration of sound momentum to categorical grant programs. These are the programs which have embodied such national objectives as maximum employment (a pledge of the Employment Act of 1946) "a decent home and a suitable living environment for every American family" (a promise made by the Housing Act of 1949 and recently restated by the President), unconditional war against poverty (a commitment made in the Economic Opportunity Act of 1964), as well as still later Congressional health, manpower, and environmental aspirations. Nor have we yet fulfilled the century-old pledge, of which Mr. Justice Potter Stewart reminded his countrymen in his historic majority opinion in *Jones vs Alfred Mayer Company*, to eradicate the remaining "badges and incidents of slavery."

Categorical grants can be simplified and regrouped. Nor are they at best, however liberally funded, complete solutions to the special difficulties which American history and American federal arrangements have imposed upon the industrial states and the major northern cities. As far as they go, nevertheless, they constitute an appropriate recognition of the national scale of most American problems. Thus Title I of the Elementary and Secondary Education Act, despite defects and errors of administration, retains as a sovereign virtue, an enlightened identification of the special educational needs of the children of poor families as a matter of particular national concern. The hot water in which community action and legal services experiments perennially are immersed, is in its way a testimonial to the energies released by these programs and the novel interests represented by them.

I express the hope that Congress will, as priorities are reassessed and revenues rechanneled, move toward federal financing of such national dilemmas as welfare, a project on which, I am aware, this Committee has been closely engaged. States can be assisted and stimulated toward appropriate fiscal efforts by devices such as deduction of some substantial proportion of state income taxes from federal income tax liabilities. And the cities can be helped in ways which maintain appropriate federal responsibility for the setting of national standards and the prudent disbursement of federal tax receipts. For the cities there is promise in urban banks chartered to lend them money at subsidized interest rates and in the proposal to grant 15-25¢ for each welfare dollar as an aid to the services provided to nontaxpaying resident. A liberal program of public service employment would be a boon of great

price to the cities as well as the remainder of the society.

Federal social programs, it is worth reiterating, developed because states and localities demonstrated their inability to cope with the intricate and the interlocked necessities of a complex, continental society. The complexity of the issues has not diminished and the ability of the states and the localities to resolve them has not increased. Accordingly evidence is lacking that a shift from federal to local control will increase either the equity or the efficiency with which tax resources are expended.

II

In brief, this is the case against general revenue sharing. Anyone impressed by the lengthy agenda of unsettled public issues and the long shopping list of deferred social expenditures, will be likely to share my conclusion that in the years just ahead, revenue sharing menaces the collective efforts required to grapple with contemporary needs. For it is a competitor of enormous political appeal for the very sums required to fund existing categorical grant programs. Once enacted it will be a still more formidable barrier to the enactment of additional programs required by the public interest.

At the outset, I characterized special revenue sharing as potentially still more disastrous than its big brother. I can now say why I hold this view, still more briefly.

Special revenue openly dismantles or implicitly repeals by threatened financial inaction much of the legislation enacted by Congress during the last two Democratic Administrations. I am aware that, as the President phrased it in his March 8 message on Special Revenue Sharing for Urban Community Development, special revenue sharing does not require that any "program currently funded by categorical grants . . . be discontinued." Nevertheless, communities could, as the message specifically concedes, proceed, for example, to "dismantle their Model Cities projects." And as I interpret the message on special revenue sharing in education, communities could readily divert Title I funds away from poverty areas to ward more affluent districts.

Mr. Nixon cites as a criticism of present federal categorical grant procedures that "some of these Federal programs require local communities to work through semi-autonomous local officials—often bypassing the elected local leaders." There are abundant reasons of history and experience for such "bypassing." Is it not sadly plain that the national attempt to diminish inequality of treatment based on invidious distinctions of color, economic status, and sex is very often impeded by local officials who represent those who gain from such discriminations rather than those who chafe under them? Should a national promise to offer effective legal representation to the poor be thwarted at will by a governor or mayor who, rightly or wrongly, identifies his constituency only among the affluent?

The cumbersome federal bureaucracy deplored by the President would no doubt benefit from simplification. The passion for managerial improvement, a special hobby of conservative presidents, should not obscure the fact that much bureaucratic caution and "red tape" derives from faithful efforts to carry out Congressional mandates. Not every local government approximates acceptable standards of either efficiency or financial probity. Not every school district, north or south, will spend, without federal oversight, federal educational grants in ways which are faithful to the Congressional desire to assist the poor and promote the integration of the races.

Thus it is, that whatever may be this Administration's intent, the effects of special revenue sharing will be to divert funds from poorer to more prosperous areas, blunt all efforts of the past or future to rehabilitate the large cities, diminish the equity with

which federal grants in aid to education are distributed, seriously impair the national aim of racial equality, and remove the federal presence from the side of the poor and the powerless.

It is always within Congressional power to repeal or amend legislation which time and shifting sentiment adjudge defective or redundant. But the honesty of the political process is ill-served by such proposals as special revenue sharing which make substantive alterations in existing programs in the guise of administrative reform. When conservative voices cry, "Power to the People," even the naive must wonder who the people in question are.

In sum, if general revenue sharing is a disaster, special revenue sharing is a potential catastrophe. National problems are not miraculously whisked away simply because their handling is shifted to political units which have demonstrated their incapacity to deal with them. In the sacred name of local control Americans should not retreat from solemn national purposes. Nor should they delude themselves that complicated questions permit of simplistic answers.

I urge this Committee and the Congress in the strongest possible terms to reject both general and special revenue sharing.

MILITARY RETIREMENT PAY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 18, 1971

Mr. GUDE. Mr. Speaker, as a sponsor in this Congress and the last to remove the inequities in the present method of computation for military retirements, I am pleased that some forward motion is now apparent. I commend the President for this action.

Many retired members of the military services suffered a serious loss in their earned compensation when Congress suspended the direct relationship between retired pay and current active duty rates of pay in 1958.

Retirees now draw different rates depending upon the date on which they retired—with the lowest rate for the oldest group of retirees and the highest for the youngest. This is unjust because these men and women entered upon their military careers at a time when the law provided for a direct relationship between retirement and current pay scales—and anticipated and were led to believe that this relationship would be maintained. But it has not been.

This means that a master sergeant who retired before 1963 has a retirement of less than \$300 a month, while one who retired after April 15, 1970, has a retirement of more than \$400.

This kind of disparity is especially tough on disabled retirees who cannot boost their incomes through full- or part-time work.

Progress is now being made, however, on recomputation of retirement benefits. At the request of the White House, various military oriented organizations met in March at the White House and, as a result a Special Inter-Agency Committee has been established to study military retired benefits.

The committee hopes to report on recomputation July 1 and on military disability retirement on October 1.

There is considerable hope among

military retirees that these reports will produce action. I hope so.

As a partial review of the problems and issues, here is material prepared by the Retired Officers Association and Retired Enlisted Association for joint presentation to the committee:

MILITARY RETIREMENT PAY

Q. How should regular retirement benefits be initially computed and subsequently adjusted?

A. Military retired pay should be more liberal than civil service annuities.

Life in the military service is arduous and demanding. It has its moments—and sometimes its months and years—of extreme dangers. Hours of duty will frequently be long and are almost always unpredictable. There is no overtime pay. Moves to new posts of duty come all too often. There is a time proven adage among Service families that "three moves are equal to one fire." Hardship tours are accepted as "part of the game." Separations from wife and family are frequent and sometimes lengthy.

By any measure, it is more difficult than the life of other government workers. One must question then if mere "comparability" of pay and retirement benefits for members of the military forces with civil service workers will attract adequate numbers of qualified people to support an "all volunteer force" or even one in which there is only a small percentage of drafted members.

From Civil War days until 1940, except for the war years 1917-1918, we had an all volunteer force made up of poorly paid but dedicated people, whose principle financial reward was their accrual of an excellent retirement system.

With the curtailment of the favorable retirement system in 1958, it became necessary to embark upon larger and larger active duty pay raises in an attempt to reach "comparability" with other governmental jobs and with private industry.

Assuming that there is to be "comparability" of military pay with other governmental pay, we recommend that the retirement system be more liberal, in partial compensation for the more difficult life led by the person in the military service, and for the fact that in retirement, unlike the Civil Service worker, he continues to be subject to recall to active service, to the actions of Courts Martial, and to various types of restrictions upon his employment and his compensation.

Precisely what formula should be used for the future is a matter more within the cognizance of the Department of Defense than in our two organizations. Whatever formula is adopted should protect the rights of individuals already in the system. If that criteria is met, any reasonable system providing "comparability" with Civil Service workers plus some special consideration for the more difficult life of the military retiree and for his continuing obligations should be satisfactory.

Q. How should disability retirement benefits be coordinated with the Veterans Administration and Social Security disability benefits?

A. Persons in the active service or now retired should have the right to elect retirement under the current military disability retirement system, or to be compensated at the standard 2½% of base pay per year of active service and additionally be eligible to receive compensation for disability as rated by the Veterans Administration. There should be no reduction of either annuity by reason or qualifying for benefits under the Social Security system.

Retired pay for years of service, military or civilian, is deferred compensation earned during the years of active employment. In addition, in the case of military retired pay, there is the factor that the individual has continuing obligations to his service and re-

strictions on his employment. Retired pay based upon years of service in no way compensates the individual for physical disabilities he has incurred. Therefore, he should be entitled to receive his earned military retired pay based upon his years of service, together with any compensation for disability for which he may qualify from the Veterans Administration or the Social Security Administration.

Currently a military retiree who is entitled to compensation from the Veterans Administration, must waive so much of his retired pay as is equal to the amount of his compensation. However, individuals who have retired under other governmental retirement plans, may not only count the time spent in the active military services for the purpose of determining eligibility for retirement and for establishing their retired annuity rates, but, properly, they may also receive compensation for disabilities incurred as the result of the same service.

In accordance with current provisions of law set forth in Title 38, United States Code, Section 3104 prohibiting "duplication of benefits," a veteran who is entitled to disability retired pay is precluded from receiving compensation for disabilities or disease he may have suffered during his service, except to the extent that such retirement pay is waived. Under this rule, military retired pay is treated as a "benefit" and thereby operates to bar concurrent receipt of a VA pension or compensation.

As stated earlier, we maintain that military retired pay is a separate and distinct entitlement and is in no way related to pension or compensation. Each annuity was established for a specific and totally different purpose.

Military retired pay based upon length of service, is earned compensation comparable in all respects to retirement annuities offered in private, professional, industrial, and other Federal, state, or municipal government retirement plans. An individual who has chosen the military service as a career has just as much right to the total compensation promised him when he enters the service as does an individual who has chosen a different career. If it is right for the majority of qualified veterans to receive compensation from the Veterans Administration for a service-connected disability concurrently with retirement annuities, it is also right for all qualified veterans to be so entitled, regardless of the source of the annuity. There is no similar prohibition against the concurrent payment of VA disability compensation and retirement benefits from other sources, such as Federal, State, and City Civil Service Commissions, Social Security, an other public and private retirement plans.

Social Security benefits should be treated as a separate matter, as it is under current law. There is no reason why this benefit should be reduced by the amount of disability retired pay drawn by a military retiree, or vice versa since he has paid separately for the Social Security coverage by means of the deductions from his pay.

Q. How should payment to survivors of active duty and retired personnel be calculated and coordinated with the Veterans Administration and Social Security benefits?

A. (1) A new program of benefits should be established for the survivors of retirees similar to those proposed in 1970 by the Pike Subcommittee and now incorporated in H.R. 984, 92nd Congress. However, we recommend some rather minor but important modifications, set out below.

(2) Dependency and Indemnity Compensation rates for the widows of active duty personnel and of retirees dying of service-connected causes should again be directly linked to active duty pay, so that there will be an automatic escalation in the annuity whenever there is a pay raise for the active forces.

(3) Benefits provided for widows under the Social Security system have been paid for separately by the active duty or retired mem-

ber of the forces, in exactly the same manner and to the same degree as in the case of any other covered worker. The widow should therefore receive the full Social Security benefit to which she is entitled without foregoing any of her other benefits, as indicated in (1) and (2) above.

(1) A new program of benefits for the widows of retirees is badly needed. The Retired Serviceman's Family Protection Plan, because of its many defects, including its high cost, simply is not doing the job for which it was designed.

As a result, many widows are left in difficult financial straits. In quite a few cases, widows—and apparently their late husbands—think that she will get at least a portion of the husband's retired pay. The widow realizes the bitter truth when it is too late for her husband to help her.

The only benefit for which widows of retirees who die of nonservice-connected causes may qualify is for the pension paid by the Veterans Administration to the destitute widows of all veterans, that is those with an income of less than \$2300.

We believe that a contributory program generally along the lines of the one now available to Civil Service workers should be adopted.

Such a program was proposed in 1970 by the Pike Subcommittee of the House Committee on Armed Services. It is incorporated in H.R. 984 of the 92nd Congress. We endorse H.R. 984 with the following reservations:

First, there should be no reduction in the widows benefit under the new program when she becomes eligible for a Social Security annuity. Her husband has paid his full share of Social Security taxes during his service career and it is completely unfair to deny him or his survivor the benefits to which he or she have thereby become entitled.

Second, the program should be designed so that if all eligible beneficiaries die prior to the death of the participant, his payments would cease. It makes no sense to require a man with no eligible beneficiary to continue to pay. This was one of the major flaws in the RSFPP program, but at least there was an option to pay a slightly higher cost and have the payments terminate upon the beneficiaries death. Eventually that option was made automatic for all new participants.

There should also be a provision permitting him to re-enter the program if he later remarries, by paying an amount equal to the payments he would have made in the interim period.

Third, we oppose the attachment of retired pay in satisfaction of a judgment in favor of a wife, former wife, or children. We believe that such a provision is discriminatory, in that other Federal pay is not attachable, and would set a precedent for attach-

ment of military pay for other purposes. Finally, we think it is not germane to this particular bill. If provision is to be made for attachment of government retired pay it should be considered separately and in a bill applicable to all government retirees.

(2) The Dependency and Indemnity Compensation Act enacted in 1957 has provided a reasonable annuity for the widows of active duty personnel and of retirees who have died of a service connected cause. It provided a base amount of money for all beneficiaries of \$112 a month, later raised to \$120, plus 12% of the base pay to which the individual would have been entitled had he been alive. This took into consideration the length of service and the rank attained by the individual.

It provided for automatic escalation of the annuity whenever active duty pay was raised, following the recomputation principle which was previously applied to retired pay.

In the 91st Congress action was taken to eliminate the automatic escalation principle and statutory rates were established for the various ranks. Substantial raises were given to widows of the lower ranks but there were no increases for the widows of more senior people with long service.

We urge the Committee to recommend a return to the system of providing a base amount for all ranks, plus 12% of the base pay to which the individual would have been entitled if he were alive. We recommend that the base amount be \$150.

Q. What changes in payments to those already retired are needed to meet the test of equity desired by the President?

A. The system of basing military retired pay on active duty rates should be restored for those who earned that benefit by entering the service prior to June 1, 1958.

The essence of equity is fairness and justice. The United States government has not dealt in a fair and just manner with its military retirees as regards their retired pay.

From 1861 until 1958—with one short break from 1922 until 1926—the law clearly provided and custom dictated that retired pay would be computed as a percentage of the rates being paid to the active duty forces and be recomputed each time those rates were changed.

Since that principle was followed throughout the entire period 1861-1958 (except as indicated above) persons entering the service during that time had every right to expect that the law and the custom would be fully carried out and that their retired pay would be adjusted to keep pace with that paid to the active duty force.

Yet in 1958, the recomputation principle was precipitously suspended by Congress, to be repealed in 1963, with no provision to pro-

tect the equitable rights of those already retired or committed to a service career.

To its shame, the Department of Defense has been willing to see this injustice continued, and has even recommended against enactment of corrective legislative proposals introduced by a growing number of members of Congress.

This, in spite of the fact that it is customary to provide a "savings clause" or "grandfathers clause" to protect the rights of persons already in the system. For instance, when legislation was enacted denying Cadets at the Military Academy and Midshipmen at the Naval Academy credit for their time at the Academy for pay and retirement purposes, the new provision was made effective as to the next entering class and the benefit continued for all persons in previous classes. Likewise, when Congress in 1963 withdrew the previous authority for an additional ten percent retired pay for certain enlisted members of the Coast Guard, they made the new law applicable only to individuals entering the service after the effective date of the law and the entitlement was continued for all persons already retired or then in a career status in the active service.

But that same year there was no comparable savings provision for those entitled to recomputation.

The Cabinet Committee on Federal Staff Retirement Systems, in its 1966 Report, recommended adoption of a Federal Retirement Policy providing that:

"Whenever a staff retirement system is changed, provision shall be made to protect the equities of any individuals who would be adversely affected by such change."

Apparently, though, Defense has felt that that policy should not be applied to military retirees.

In his "Open Letter to Retired Military Personnel" of July 11, 1970, Secretary Laird, while stating that "military retirees should be treated more fairly," said, "the introduction of this change may even become a model for other government retirement systems."

This statement is entirely fallacious and without merit. All that our organizations ask is that an earned benefit be restored, not that a new benefit be established. Therefore, no precedent is established to grant this particular benefit to other groups. If indeed any precedent is being established it is that the government of the United States makes good on its guarantees of benefits to the people who serve it.

Fairness and justice demand that the earned benefit of recomputation of retired pay be restored immediately to all persons whose active service commenced prior to 1 June 1958 and who are now retired or who will retire in the future, so that their pay will continue to be directly related to future changes in the active duty rates.

SENATE—Monday, June 21, 1971

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has safely brought us to the beginning of another week, accept the dedication of our lives which we offer in service to this Nation. Take from us all that is unworthy—the narrow view, the provincial outlook, the callous attitude—that we may work with pure motives and holy purposes. So fill Thy servants in the ministry of public affairs with an abiding sense of Thy presence that they may have strength and wisdom beyond themselves.

O Lord, who has made and preserved us a nation, keep the people of this land in the unity of the spirit and the bonds of peace, in love of Thee and in faithfulness to Thy commandments, to the end that all men may have opportunity for a full life.

And to Thee shall be all glory and praise. Amen.

MESSAGES FROM THE PRESIDENT

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

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.

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

THE JOURNAL

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 18, 1971, be dispensed with.