# EXTENSIONS OF REMARKS

## NEW JERSEY'S AMERICAN REVOLUTION BICENTENNIAL COMMISSION MEMBER—PROF. RICHARD P. McCORMICK

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

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. RODINO. Mr. Speaker, when the members of the American Revolution Bicentennial Commission were appointed by the President in 1967, citizens of New Jersey concerned with the Bicentennial and the entire New Jersey congressional delegation were disappointed to learn that no member had been appointed from our State. A number of States were represented by two or more members, while New Jersey, one of the 13 original States and a State that had played a critical role in the American Revolution, had no representative at all. I was therefore very happy that on May 10, 1971, President Nixon appointed Dr. Richard P. McCormick, of Rutgers University, the State university of New Jersey, as a member of the American Revolution Bicentennial Commission. On May 22, I had the honor of presenting the certificate of appointment to Dr. McCormick.

Dr. McCormick is a professor of history at Rutgers. He is a member and past chairman of the New Jersey Historical Commission which is guiding New Jersey's program for the Bicentennial. He is also a past president of the New Jersey Historical Society and served as chairman of the State Historic Sites Evaluation Committee.

From 1966 to 1969, he served as chairman of the history department of Rutgers and has been university historian since 1948. He is the author of numerous books and articles on American history. Dr. McCormick was the first chairman of the New Jersey Tercentenary Commission, which in 1964 conducted the State's commemoration of its founding.

Dr. McCormick's work in the field of history is not contained only in the State of New Jersey. He has gained a national reputation as an authority on the early national period of American history. "The Second American Party System," a book by Dr. McCormick, won the annual prize for 1965 of the American Association for State and Local History. He has served on the councils of many national historical groups including the American History Research Center and the Institute of Early American History and Culture.

I am sure that Dr. McCormick will be a valuable addition to the American Revolution Bicentennial Commission. His long involvement in the history of our great country will be an asset to the Commission.

As I have said, New Jersey certainly did play a most important role in the American Revolution. To quote a distinguished colleague of Professor McCormick—John T. Cunningham, present chairman of the New Jersey Historical Commission—George Washington, while in command of the Continental Army, "spent a total of more than 730 full days and nights on New Jersey soil—one-third of the entire war." He said further:

New Jersey was a place for major battles at Trenton, at Princeton, at Monmouth, at Springfield. This was a place for eternal vigilance on the Watchung Mountains (where Washington encamped his army at Morristown) . . . a place for endless maneuverings of an underfed, ill-equipped, miserably paid army.

It was New Jersey that gave to the Revolution outstanding men like John Witherspoon, president of the College of New Jersey—Princeton; Elias Boudinot, President of the Continental Congress; and Philip Freneau, the "Poet of the Revolution."

This heritage of the Revolution has deep roots in New Jersey and is a source of great pride. It is therefore natural that the people of our State wish to take a full part in the shaping of the Bicentennial which will commemorate the events, the men, and the ideals of the Revolutionary era.

## CHILDREN AND YOUTH PROJECTS, INNOVATIVE HEALTH CARE

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. FRASER. Mr. Speaker, one of the most innovative responses to the problems besetting our present health care system was the creation of the children and youth projects in cities throughout the country. This program was established under Public Law 89–97 and has, in Minneapolis, met with a great deal of success. It is a cooperative venture with the University of Minnesota playing a key role.

Several members of the staff at one of the children and youth projects in Minneapolis submitted testimony for the record of the health hearings. Mr. James G. Lawson is the clinic manager at this community-university health care center. He presents an overview of the activities of the center in the following statement.

Miss Ann Seltz is the coordinator for communicology. She presents very persuasive support for the role of the allied health professionals in delivery of health services. Her statement follows:

STATEMENT BY MR. JAMES G. LAWSON

I have included some written material on C & Y Projects, and I explained more fully what the Community-University Health Care Center (CUHCC) is and what it has the potential to be. Children and Youth Projects were conceived by several responsible public health officials because of the high infant mortality rate for the nation during the 1950's and early 1960's. This rate was especially high among the lower socio-economic minorities. Thus the conception of Children and Youth Projects was due to the admission of failure to provide adequate health care for the poor in our country.

The planning for Children and Youth Projects began in 1963, and the legislation was passed in 1965. This legislation was amendments PL 89–97 to Title 5 of the Social Security Act. The regulations set forth on what C & Y Projects are to accomplish by this legislation is enclosed for your perusal. The Children and Youth Projects are to provide comprehensive continuous health care to children from birth to 21 years of age. Individual projects can determine the age group they want to work with within this range. The care is to encompass medical, dental, psychological, nutritional, social, audiology, and other health relate rofessional inputs. This multi-disciplinary team can focus on problems presented in high-risk patients from several different perspectives. A plan of action is decided on and the patient receives intensive involvement to get over the family emergency. Strengths are built into the family through supportive therapy. Remedial action is followed through till the patient becomes well.

There are several concepts on what health care is and what it includes. To Dr. Jean Smelker, our Clinic Director, cor prehensive health care is "continuous care which allows an individual to achieve his potential." This implies care for all individuals as a birth right regardless of their economic status.

HEW approved CUHCC's grant in 1966 and staff recruitment started in July of that year. Patients began using the Center in January of 1967. The facility has moved once but has been located at 2016 16th Avenue South, Minneapolis, Minnesota for the last four plus years. There are 29 salaried members on staff and the range of specialties include Pediatrics, Communicology, Dentistry, Social Work, Nutrition, Health Education, Psychology, Psychiatry, and Nursing. CUHCC has around 2,300 clients with over 53 per cent of our new clients since June, 1969 in the 0–4 years of age range. The clients live in the Adams, Greeley, and Seward School districts and the criteria for income eligibility is as follows:

| | *Per year* |
|---|---|
| Two persons | $3,840 |
| Three persons | 4,440 |
| Four persons | 5,100 |
| Five persons | 5,700 |
| Each additional child | 540 |

The income eligibility is considered a guide, and depending on several factors it is possible for a family to make more money than the amount listed above and still be a client of CUHCC's.

I feel financial considerations are still one of the primary factors in whether the poor and near poor get medical aid. I have witnessed a mother who came into the Center within hours after her child was taken to Fairview Hospital because of a hit-and-run accident. Her concern was the ambulance bill and questioned whether CUHCC would pay for it. The $50 and $100 deductibles on medical insurance coverage to some of CUHCC's clients by various insurance companies is money for medical care they simply do not have. Any legislation passed by the Federal Government on health should take the financial ability of the poor to pay even a nominal amount of money into account.

The University of Minnesota has played an important part in CUHCC's development. Each professional on CUHCC's staff who is a Coordinator (a specialist in a particular field) has an academic appointment at the University. The rest of the staff is accorded Civil Service status through the University Personnel office. Financially the University is directly supporting CUHCC this year to around $131,000. This does not include re-

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sources used for matching purposes. The total support of this project including Federal and matching funds is:

| | |
|---|---|
| Children and youth | $281,589 |
| University—Direct and indirect | 210,197 |
| Total | 491,786 |

This support has been most generously given by the University and we are hopeful that proportional funding will be forthcoming from the University the next fiscal year, although this is not promising at this time. CUHCC does have an educational role reinforced by the University affiliation. Presently ten graduate level social workers and one health educator are doing field training out of CUHCC. In addition the School of Nursing at the University rotates nursing students through CUHCC for orientation and training. Freshman medical students receive similar presentations from the Clinic Director and from course instruction taught by the Communicologist, Anne Seltz. While these activities take time, they are secondary to our primary goal of service delivery to clients.

A unique aspect of service delivery in a multi-disciplinary setting in C & Y Projects is the sophisticated evaluation system devised by Professor Vernon Weckworth of Systems Development Project and the School of Public Health, University of Minnesota. Each child is placed in a health care cycle and receives health assessments from the various medical and related functional areas. If the child fails screens devised by these functional areas—the individual is seen by the professional in that area for special evaluation. Medical costs per child rise as the child is assessed and defects are discovered and corrected. After the assessment is accomplished the child is placed where the professional feels the health of the child dictates for that functional area in the health care cycle. (See enclosed material, The Conceptual Model for Reporting in Children and Youth). The cost of treating the child is reduced after the child reaches health supervision. Annually the child is assessed for check-ups and follow-through if discrepancies in his health is discovered.

This health care delivery system with some modifications could be applied to all in our society. This doesn't mean that the entire population needs or wants this complete comprehensive care. There are some clients now which use CUHCC in the traditional doctor-nurse-dentist relationship. This has happened because of many reasons, the primary one being lack of personnel. We know that when attitudes and behavior changes in a family and in the community, we have achieved health education. This process does not occur over night. Attitudes change slowly. To help change these attitudes toward health, C & Y Projects in general and CUHCC specifically have the mechanisms by which to try new exciting innovative programs in a health care delivery system. The University of Minnesota provides CUHCC with a tremendous amount of resources that are and can be even more utilized for research in health care delivery systems.

For the future, CUHCC hopes to operate as a small pilot project exploring new ways to deliver health care. The findings will be published and the information disseminated to other organizations through scholarly reports. The ultimate goal of this activity is better health services for the entire nation.

Dr. Smelker requests a follow-up meeting with you sometime this spring to present additional information on the Community-University Health Care Center and answer any questions you may have on C & Y Projects in general and CUHCC in particular.

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STATEMENT BY ANNE SELTZ

I am an Audiologist and Speech Pathologist at the Community University Health Care Center, one of 59 Children and Youth Projects. Prior to that, I was an Audiologist in the University Hospitals. I teach Freshman Medical Students, Pediatric Residents, Pediatric Neurology Residents, Ear Nose Throat Residents; coordinate a pre-school language-oriented nursery school for poor children (Tot Talk, co-sponsored with the Council of Jewish Women, Minneapolis Section); supervise graduate students in Speech Pathology; have been actively involved in development of preventive health programs through parent and professional education, and provide direct service to children registered at the Center.

I am hopeful that your definition of Comprehensive Health is as broad as that defined by the World Health Organization: Maximum state of well-being and contribution to society attainable within the context of the individual's genetic and previous environmental endowment.

If you have this definition in mind, the medical aspect of health will fit into its appropriate level of importance rather than totally dominating all thinking relative to health. Unless government broadens its concept, I fear that new legislation will only add to the present inadequate system of health care delivery rather than improving its quality. Physicians should be allowed to do what they do best; diagnose and treat medical problems. Their education prepares them for that.

It is unfortunate, unfair, and unkind that we educate physicians in a narrow, medical-only format; we encourage them to enter research instead of practice; those who practice are inundated; and yet we expect them to take the leadership in changing their education, philosophy, attitude, and modes of practice.

In addition, we blame them for the poor health statistics and the rising costs. Physicians are not, on the whole, prepared to talk about Health: their field is medicine.

Allied health professionals (not only allied medical professionals) such as social workers, early childhood educators, nutritionists, psychologists, health educators, speech pathologists, and audiologists, must respond and contribute. These fields have minimal input in medical education on any level. Few "non-physicians" are accepted as equals in the Medical School. But, even sadder, few "non-physicians" even try to help prepare physicians. It is these very professionals who complain of medical failure to identify and refer. It is they who must strengthen and broaden health care delivery systems so that realistic health care delivery is available on a primary level, the only level which can respond to the patient's first request for help.

Health Care Delivery can and should be comprehensive at the primary level, be it a GP, Family Practitioner, Pediatrician, group practice, ambulatory outpatient clinic, or Health Care Center such as ours. It must be comprehensive if we are to prevent problems, preserve human resources, and promote health instead of just treating disease. Prevention can occur through identification of a problem in its early stages but only if the primary health care system has an ongoing health promotion component. This ongoing component allows the consumer the opportunity to broaden his health concept. It allows the consumer to learn what health can be, how it can be promoted, and allows him to participate in the planning of the delivery system.

We cannot expect the physician to acquire any more knowledge and expertise than is already demanded of him. We can ask him to join with others in a change of attitude towards health promotion and maintenance rather than treatment of disease. We must ask him. We must stop holding him totally responsible for change. He is not formally prepared to change. He is not educated in the alternatives.

The Communication field demonstrates this well. For example: early detection (prior to age 9 months) of congenital hearing problems can allow immediate use of amplification, appropriate educational intervention, and can result in the strong possibility of regular school placement by age 6 or 7 years instead of a more expensive, special-education placement. This can only happen when an ongoing health promotion program exists that looks at and talks about normal development in children. Unless one looks for normal development in a child, he will not see abnormal development. If there is not an ongoing component, the first identification of a problem is dependent completely on the parent. Physicians are presently uneducated about appropriate screening techniques and referral resources.

The human being acquires language and speech through the auditory system. He also acquires all his language grammar by age 3 years. Recent studies indicate that, not only can the child acquire language most efficiently during the first three years, but, should he be delayed in this acquisition, intervention and remediation is not nearly as successful (and obviously much more expensive) as "nature's" way.

It becomes obvious that normal, healthy development in children results in a healthier community. This can happen best when the primary health care delivery system concerns itself with health, is comprehensive, and responsive. Medical students, from my teaching experience, are not being prepared for this. A team of health personnel with equal responsibility can do it.

Hearing losses resulting from chronic ear infections (so common in poverty areas) can be prevented if primary health personnel use appropriate monitoring techniques relative to middle ear disease and if parents are aware of the need for treatment. This can happen best in a comprehensive system which has an ongoing, health promotion component.

Speech development is such that, by age four years, all children should be intelligible to a stranger from their own culture. With an unintelligible four-year-old, intervention can probably prevent future learning disabilities (such as reading problems which are almost always present in a child with severe speech problems at age four years, regardless of intelligence level). This, too, can best happen when a family has access to a system of comprehensive health care delivery on a primary level. Again, we cannot expect to educate physicians in this area also. Speech pathologists with equal program responsibility could provide this to a primary health care delivery system. After teaching Ped-Neurology residents, I am even more aware of the impossibility of expecting physicians to have total knowledge of and responsibility for comprehensive health.

It is not possible to expect any of these developments in health care delivery if financial philosophy does not reflect support. Present health insurance is medical insurance. It does not, as you well know, support preventive, outpatient care. Their concept of health is so medically and surgically oriented that families whose children need to wear hearing aids cannot be insured for either the original diagnostic evaluation (in many cases) or for the large expense of a hearing aid though both are essential components of health.

Health programs, insurance programs, and government programs, all reflect the philosophy and priority of the general public, at least to some degree. Hopefully, through you, my thinking can be heard. My experience on a primary level, after being a "specialist" in a referral hospital, has taught me what I have expressed in this letter. My work with parents in a high-risk area taught me that these ideas and programs are realistic and successful. If new programs can be implemented and accepted in a poverty area they can be implemented anywhere.

Pilot projects such as ours can and should continue to exist so that new ideas have an

opportunity to be tested prior to local, state, or national implementation.

There is much more to say. However, your time and mine is limited. Please understand that I am speaking for myself and not for the rest of my project staff nor for C and Y projects in general.

Thank you for listening and for your interest. The concepts defined this year and next will undoubtedly have import for years to come. I appreciate your willingness to learn and listen prior to legislation.

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A COMMUNITY-UNIVERSITY APPROACH TO EARLY IDENTIFICATION

(By Anne Seltz)

I am honored to be speaking to you today and hope the afternoon will allow mutual sharing of ideas. Hopefully, I can present one way of maximizing early identification of problem areas in a specific child.

We wouldn't need to talk about early identification if all parents were aware of average developmental stages in all areas of learning, if they were aware of their potential ability to promote growth in their child, and if they were aware of resources capable of providing additional input into their child through the parental and educational role. I am not denying the necessity for professional education so that more general practitioners, family practitioners, and pediatricians become knowledgeable about signs indicative of developmental lags. But we are all aware of the effect of parental pressure. It is when parents are able to clearly ask for help that professionals most quickly grow in their ability to respond to the plea.

Any community program having as its goal early identification must involve both professional and parental communication so that the ultimate provider of service and the ultimate recipient of service are talking the same language. Keep in mind that before the educator enters the family picture as an identifier, the medical center has been responsible for identification and, most importantly, the parent must bring the child to someone before a problem can be identified.

The Community-University Health Care Center has attempted to approach health promotion and health care delivery with this latter concept in mind. Our concept of health is broad. (Table No. 1). This comprehensive concept allows tremendous breadth in our approach to the delivery of health care.

We are located in a geographical area defined by three elementary school districts in Minneapolis. There are roughly 3500 children under 18 years of age in this area whose families meet the financial requirements of the Children's Bureau for complete care as well as diagnostic services. In the pre-planning stages, health evaluations of 298 kindergarten children were conducted in the summer of 1966 with a variety of professional disciplines involved. (Table #2). The disability categories defined are seen and reflect serious problems that might influence future educational progress. The speech-language category in the main represented rather severe articulation problems and marked receptive and expressive language deficits. Minor problems which might be considered as likely to resolve spontaneously were not included. The hearing problems noted are primarily related to middle ear disease: conductive hearing loss. This gives you a rough idea of the health status of our community.

On January 3, 1967, we moved into the Center building; a converted apartment house with slightly less than 12,000 square feet of working space. It is in the approximate geographic center of the population and is our center of operations. Acquisition of staff was fairly complete by the fall of 1967 and includes persons from a variety of disciplines, each concerned with the child's total health. (Table #3). These areas represented in our Center have academic appointments at the University of Minnesota and all are expected to promote our philosophy of health promotion in their respective departments. This gives you a brief idea of our physical and staff structure. This is not a Center run by physicians, though our director is a pediatrician. The coordinator in each area has equal billing when policy and structural decisions are made.

But—all of this fine collection of facilities and people would be relatively ineffective if a process for parent involvement and access were not available. Remember, we are committed to health promotion and primary prevention. We had to meet the family on its terms before we could attempt to change their attitudes toward the health of their children.

What kind of health delivery process allows for parent-professional involvement and eventual promotion of a healthy, growing child? This is ours. (Table No. 4). We created the role of the nurse as the primary health coordinator for a specific family. All of the professional areas were responsible to define their particular expectations for health behavior of children in each age group. Then we had to educate the nurse. Because she is most intimately involved with a family, she would be our most effective educator and case finder. Now we had a situation where the nurse could say—when do you want me to discuss speech and language development, how do you want me to approach it, and what are the signs that would indicate a referral to you, the consultant, for further in-depth diagnostic evaluation and treatment? That was when professional growth really happened because we could no longer talk theory but had to become practical. For me it was a learning experience. My experience with normal children was limited. As an Audiologist I had worked with relatively well-motivated families who had already diagnosed their child's problem, and, I had never been responsible for the education of the initial parent contact, in this case the nurse.

The specific access route is seen in the next slide. (Table No. 5). We start with a patient and parent walking in because of a self-defined problem, usually medical or dental. (Most of our families come because a friend referred them.) The important step of establishment of a contract must be emphasized. The home entry visit by the family nurse allows for bilateral discussion, understanding and decision-making. The family and the nurse together formalize the contract with as much mutual understanding of the contract as possible. During this home entry visit the Health Care Center and the Health Evaluation is explained. The family is encouraged to enroll their children for on-going health care. This process, the Health Evaluation, includes screening in many areas. (Table No. 6). The screening in the speech-language-hearing area is completed by a nurses aide under my supervision. Criteria for failure are set up by each coordinator and further in-depth evaluation and treatment are done by that professional after referral by the family nurse.

This process appears to be meaningful to the parent and to the professional. It forces professionals to define meaningful symptoms, if you will, for early identification and referral. Our failure rate for Health Evaluations is down to 5%. Our nursing turnover has been 0. Our failure rate in the acute medical area (for follow-up) is down to 5%. We think this reflects a knowledgeable consumer of services who, because of his involvement in the planning of the health care of his child, willingly participates. This saves professional time and benefits the child.

This Health Evaluation is completed on children over age 3 years. Obviously much goes on in a child's development before age 3. Our neo-infant program has been in operation for some months. Here the nurse makes a "contract" with the parent or parents during the 8th month of pregnancy. Then they discuss, before the baby arrives, attitudes about parenting. Again, the nurse depends on the other professionals to provide her with facts. The nurse makes a hospital visit and the parents make monthly visits with the baby to the Center until the baby is 6 months, then again at 9, 12, 18, and 24 months. During these visits the nurse is responsible for looking at, discussing, and evaluating all the areas pre-planned by the professionals concerning normal development.

This process of educating the nurse about our particular way of looking at a child, if it is to be effective and efficient, demands mutual discussion, understanding and decision-making. The same requirements needed when developing the Center itself and the same requirements needed when working with a parent or parents. It is a most difficult process because language meaningful to all discussants is needed and not always readily available. Communication requires a two-way avenue, a bilateral atmosphere. I say this because it is the same process needed on all levels of operation in any institution or society where changes are taking place. I point out the difficulties because it is easier to plan for them when we can anticipate them.

Our involvement with schools and community agencies has gone through the same growing pains as our involvement with parents. Bilateral involvement instead of unilateral involvement was needed and this need was recognized. Basic levels of communication between individuals are imperative before sharing of information can take place.

Let me share with you one very successful experience with our language-oriented pre-school program for children from 2 to 5 years of age. We were aware of the effect of pre-school intervention on children's future performance in school. We also knew that families would send their children to a program without too much reservation, i.e., they already recognized the value of nursery programs even if it was only the value of removing the child from the home for a few hours. We hoped if the child could bring home new "topics of discussion", if the parents recognized some growth in their child, that this would provide an opportunity for the "professional" to intervene and influence the parents' behavior in the home related to language development of their children. One mother has two children in this program, Tot Talk. She also has a 6 year old cerebral palsied child and 10 month old twins. At a recent parent meeting she said, "You know, I get busy and forget what to be doing with my children at different times. But Wendy and Melodee come home from Tot Talk and talk about things. Then I have an idea about what they can do and what they can be interested in and it lets me know what I can do as a mother." She had received what I had hoped for—an awareness of the potential of her children and of her role as a parent. Now she is open to intervention from me. I can talk more meaningfully with her about home education. She can now become a more knowledgeable parent. She can know what to expect, when something might be wrong, where to go for help. She can become a competent early identifier and a competent educator of her children. Together we can talk a mutual language. Tot Talk has provided me, the Communicologist, with access to the parent. We can mutually discuss what they see their child learning in a program. I can talk about visits to the library to a mother whose child talks, for the first time, about books, and so on.

The effect of our program at the Health Care Center, if it is good, must eventually change academic preparation of health professionals. If health professionals can be prepared with new attitudes towards planning and delivery of health care, they will

have a large head start over those of us with more isolated preparation. Professional education and student education based in a service-oriented environment really works. Because change in parent behavior and attitudes is one of our goals, students immersed in this interaction-environment will also acquire this attitude, and, hopefully add to its dynamic growth. Our staff is still learning to talk with each other about our goals and plans. We are attempting to influence our respective departments in the University with some success. The students rotating through our Center are the most effective at carrying the message back to departments who, hopefully, will respond by changing the educational programs of professionals in health-related fields.

Families and professionals must listen to each other for either group to influence the other. Most parents want their children to grow. If we have some ideas we think will work, it behooves us to mutually develop ways and means of allowing health professionals and parents to express their hope for growth, expand their expectations, and mutually plan for, design, and carry out programs. This can only occur in an atmosphere of open communication between persons who have at least some basic ability to communicate their ideas meaningfully. Once this atmosphere exists, early identification of problems and mutual creation of prevention intervention and therapeutic programs should be relatively easy.

## SHELLING BY THE NAVY OF THE ISLAND OF CULEBRA

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. VANIK. Mr. Speaker, former Navy Comdr. Edward Shoupe, of my congressional district, who was in charge of training at Culebra, Puerto Rico, voluntarily, and at his own expense, came to Washington, to testify before the Senate Subcommittee on Military Construction.

At great personal sacrifice, Mr. Shoupe made this mission to Washington to express his great dismay and opposition to the continuation of the shelling operations conducted by the U.S. Navy on the island of Culebra. I wish to join Mr. Shoupe, the mayor of the island of Culebra, Mr. Feliciano, and the beleaguered people of the island, in my strong opposition to this inhumane bombing program.

It is unconscionable that the U.S. Government or this Congress should follow a policy which allows hundreds of American citizens to be endangered by bombing practice in their fishing grounds, recreation areas, and their residential communities. I am convinced that the U.S. Navy, in its ingenuity, could develop suitable alternatives, without great expenditure, to this totally unjustified target area where nearly 1,000 people have made their home for centuries. Mr. Shoupe's testimony should be of interest to every Member of this body. The testimony is as follows:

STATEMENT BY EDWARD JOE SHOUPE, FORMER NAVY OFFICER IN CHARGE OF TRAINING CULEBRA

Mr. Chairman, my name is Edward Joe Shoupe. I reside in Cleveland, Ohio.

During World War II, I served as a Lieutenant, Junior Grade, in the United States Naval Reserve. In June of 1945 I was ordered to San Juan, Puerto Rico for temporary duty in connection with the shore bombardment training unit at Culebra Island, Puerto Rico. As the officer in charge of the ship-to-shore training conducted at Culebra during World War II, I became intimately aware of the danger these operations posed to the United States citizens residing on Culebra.

My conscience compels me to testify today in support of Senator Gravel's Amendment to terminate all shelling and bombardment at Culebra and its adjacent keys. I have no economic interests whatsoever in the Island of Culebra and I represent no one but myself. I have traveled from my home in Cleveland at my own expense to testify here today because I believe it is my responsibility as a United States citizen to speak out against the continuing shelling and bombardment at Culebra. From my personal experience, I know it is wrong, dangerous, and unnecessary.

When I arrived at Culebra, the target range had just been laid out and construction of targets completed; a road was under construction up to the observation post, a small wooden building approximately 30 feet long by 15 to 20 feet wide. The elevation of the observation post was approximately 400 feet above sea level. Obviously, it had a full view of the western tip of Culebra Island on which ships would be firing. Firing schedules commenced almost immediately and it developed that all ships that could be routed to Culebra Island from the Atlantic Fleet were scheduled to fire on the target range. In addition, all ships which were being transferred from the Atlantic Fleet to the Pacific Fleet for the invasion of Japan received a day's exercise in shore bombardment on Culebra Island. One, two, or three destroyers were fired each day, or six DE's or one cruiser.

The cruiser exercise consisted of one and one half days. All ships in addition to the day's firing also participated in a night exercise.

All problems were fired on the basis of two-gun salvos and six salvos per problem. It is practically impossible to do an effective job of artillery spotting with single-gun salvos. It was also normal practice to issue a rapid fire order to the ship when the shells were bursting near the target. At this point the firing officer aboard the ship fired, at his discretion, as many guns as he wished. Many times this was six guns in very rapid succession.

Shore bombardment was conceived during World War II to provide close fire support to an invasion force. It was first used in the invasion of Africa. Until the time the Army invasion forces had landed their larger artillery, shore bombardment proved to be a very, very valuable asset to an invasion force. No ships had been trained in shore bombardment for this purpose prior to this time. The Culebra Island bombardment range was used primarily to train ships in shore bombardment who had never participated in this type of firing before. The gunnery problem is complicated for the ship when firing on a target that may be at various altitudes above sea level on shore. It was probably this that caused the Navy to have so much trouble in hitting targets ashore on Culebra Island. The inability to hit a target has been well documented in the files in Washington because every round that was fired on Culebra Island was photographed from a PBY Aircraft using a Fairchild Aircraft camera. These pictures were developed and then returned to Washington, D.C. for analysis. The Washington Bureau measured the distance from the fall of shot to the target.

I personally recall a number of incidents of accidental firings and other practices which endangered the civilian population residing on this small Island.

It was a surprise to me that there were many ships that had great difficulty in hitting the *island*. A prime example stands out in my memory of the cruiser *Little Rock*. During the *Little Rock's* firing exercise, Rear Admiral Bryant was sitting next to me while the exercise was being conducted. After many misses of the Island Admiral Bryant ordered me to call the ship and tell them "You stink." This order was carried out.

I was firing three destroyers one day and when destroyer number three fired, no fall of shot was observed in the target range. We finally discovered that the two five inch shells had gone astray over into the bay off the town of Dewey. A spot of a considerable down yardage and right yardage to bring the next salvo onto the gunnery range was given to the ship. The next salvo landed on the same place 100 yards or less of the town of Dewey. At this point the ship was excused from the exercise and later advised that they had trouble with their computer in the CIC room.

A destroyer escort fired its after gun directly at the observation post, fortunately their judgment of the range was poor and the shell landed approximately 15 to 20 feet below the observation post on the cliff on which the observation post stood.

The Coast Guard provided surveillance of both sides of the island in an attempt to prevent Culebran vessels from getting into the danger zone. This was not always successful and many times firing had to be halted to await Culebran boats to clear the area. There was one day when the aircraft of the admiral commanding the Caribbean Sea Frontier flew at no more than 1000 feet altitude between the firing ship and the target area. We obviously had to halt the firing at this point until the aircraft left the area.

There was another instance when a destroyer had a straddle (where a shell falls on each side of a native boat). A cruiser was awaiting its turn to fire and it was required to send its observation plane to observe if any of the Culebrans aboard the boat had been injured. The aircraft complied and reported it looked like all was well.

Three World War I cruisers were sent to fire on the target range and were manned by midshipmen from Annapolis. Although, as a safety measure, a danger line was drawn on the firing map furnished to each ship to prevent any ship from firing over the observation post, one of the cruisers ignored this safety precaution and fired two rounds which went past the window of the observation post within less than 50 feet. I ended the exercise for the cruiser at that point.

When the gunnery range was not being used for shore bombardment, many times an aircraft carrier would conduct a sortie against the target range using straffing, dive bombing and some high level bombing. On one occasion a bomb fragment killed a horse belonging to Culebrans. I do not know the location of the horse when hit with respect to the gunnery range. At another day an aircraft from the carrier *Boxer* straffed a young bull belonging to an island resident. I directed the gunnery department in Norfolk, Virginia to pay the owner of the bull for its death.

The residents of Culebra were extremely cooperative and pleasant considering the great amount of noise and danger under which they lived. The sound of firing could be heard in St. Thomas, Virgin Islands as well as on the main island of Puerto Rico directly across from Culebra.

It was my responsibility to take every precaution to insure the safety of naval personnel ashore on Culebra as well as the residents living there. It was standard practice before commencing a bombardment exercise to sweep the gunnery range with binoculars to be sure that no Culebrans were on the target range. Several times Culebran residents were observed within the target area and firing was delayed until they had cleared the area.

One problem that was difficult to solve was that resulting from starshell illumination of the target area at night. The ship

was supposed to illuminate the target area with starshells so that I could observe a target. When the proper illumination was achieved the ship commenced firing with additional guns at the target. When a starshell was ejected from the projectile to the rear of the flight of the projectile the casing continued on and many times complaints were received of these empty casings landing in and about the village of Dewey.

A bomb disposal officer frequently visited Culebra Island when no firing was being conducted. He assembled as many of the duds as could be found and exploded them. Several times, however, reports were received of Culebrans retrieving dud ammunition and taking it home with them. I repeatedly warned the residents on Culebra Island against this practice, and always managed to remove the unexploded shells from their homes.

Two weeks after I was ordered back to inactive duty, aircraft from an aircraft carrier conducted a strike against the target range on Culebra Island. Due to misinterpretation of the target area a dive bomber dropped two five hundred pound bombs one of which made a direct hit on the observation post. This bomb killed nine naval officers and men. The red flag was flying at the time on the observation post. Contrary to the statement made by the Navy, the observation post was unpainted and certainly not camouflaged in any manner whatsoever.

Another feature of the shore bombardment training exercise which, in my opinion, was fairly dangerous was the firing of low velocity ammunition at high angle to simulate firing on a defiladed area on the opposide side of the hills down the center of the target range. Because of the high angle required when these shells were fired, projectiles could reach an altitude of twenty-six thousand feet. Inasmuch as winds aloft were unknown to me it was always a worry that shells would be blown off course and land in the populated area of Culebra Island. Fortunately, this never happened during the time I was officer in charge of the bombardment unit.

Unfortunately, with the passage of 25 years probably many other incidents have been forgotten.

The only purpose of shore bombardment is close support of invasion forces and I have my own doubts as to whether the United States will be making very many invasions under the conditions of modern, Post World War II warfare; but assuming that the Navy has a legitimate need to continue to provide ship-to-shore training, my own experience convinces me that this is not an activity which can be safely and appropriately continued on the tiny, inhabited island of Culebra.

The people of Culebra have been subjected to continuous firing for at least 25 years. With the inaccuracies of firing and the mistakes I observed, in my opinion, it is a miracle that more Culebrans have not been killed. I do not believe it is morally justifiable to continue this training at Culebra. Therefore, I urge you to enact Senator Gravel's amendment which, as I understand it, would make it possible for the Navy to transfer its training to an uninhabited artificial island and which would definitely put an end to the war we have been waging against our fellow Americans on Culebra. The Culebrans deserve to be left in peace.

## NUCLEAR POWER IN MAINE

### HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. HATHAWAY. Mr. Speaker, I insert in the RECORD of today's proceedings an article carried in a last-week edition of the Portland, Maine, Press Herald under the byline of Donald R. Larrabee, of the Griffin-Larrabee News Service, which article suggests the likelihood that the Atomic Energy Commission will order public hearings in the State of Maine relative to the proposed operation there of an atomic power plant. The Larrabee article follows:

[From the Portland (Me.) Press-Herald, June 16, 1971]

AEC To Bow To Demand for Yankee Atomic Hearing

(By Donald R. Larrabee)

WASHINGTON.—The Atomic Energy Commission is virtually certain to order public hearings in Maine before granting an operating permit to the Maine Yankee atomic power plant in Wiscasset, informed sources said Tuesday.

While the commission is under no obligation to do so, it is expected to convene a panel of its Atomic Safety and Licensing Board in response to petitions from the state and several environmental groups. The state's intervention is considered unique.

Petitions for hearings were received before Monday's deadline from Maine's attorney general, the Natural Resources Council of Maine, and a joint group—Citizens for Safe Power and the Audubon Naturalists Council.

Assistant Attorney General John M.R. Paterson told the AEC that the State of Maine has an obligation to its citizens to have the proposed nuclear plant's effects on health and safety fully explored before a license is issued. He cited the plant's location close to populated areas and the possible impact on natural resources.

The Maine Yankee company has already made exhaustive environmental and safety studies of its own and has filed a formal report declaring that the Wiscasset operation will not endanger health and safety or the environment.

The AEC on April 13 issued its tentative environmental statement on the Maine plant for comment by federal, state and local agencies within 60 days.

The commission said the facility will release small quantities of low-level radioactivity but that these will be "well below limits required by federal regulations." It foresaw "no significant environment effect" from these releases.

The AEC also noted the impact on the environment of heated condenser cooling water discharged into Bailey Cove, saying the potential effects could not be predicted with certainty.

The U.S. Coast Guard advised the AEC last month that fog formation under certain conditions was a possibility as a result of dumping the heated water into the bay and that this presents a "potential serious problem."

The Natural Resources Council said it intends to raise a series of questions on the possible effects of discharges from the plant, including the "risk to national security" by the proximity of the plant to the U.S. Naval Air Station at Brunswick.

The council is asking specifically whether the plant was built to withstand an air crash.

Mr. Speaker, the argument favoring nuclear power as the answer to the Nation's continuing power crisis has been recited time and again by spokesmen ranging from behind a White House microphone to the offices of the Maine Yankee Co. Only infrequently has the voice of the American consumer been heard on the issue.

It is my intention to give a segment of the American power-consuming public a platform, and to afford my colleagues the opportunity of reviewing the other side of the nuclear power argument. Over the next several days, I shall offer for publication in the CONGRESSIONAL RECORD chapters of a pamphlet entitled "Nuclear Power—The Greatest Threat To Maine," which is the product of one of the groups mentioned in the Larrabee article—Citizens for Safe Power, headquartered at 68 Berkeley Street, Portland, Maine.

In today's RECORD, I ask that the following two of the pamphlet's chapters be reproduced: "What Is Maine Yankee's Radioactivity?" and "What Will Maine Yankee's Radioactivity Do?"

The chapters, preceded by the pamphlet's appropriate introduction, follow:

NUCLEAR POWER—THE GREATEST THREAT TO MAINE

(Compiled and edited by Robert E. Phinney, Jr.)

*For You, Your Progeny, and Maine Survival May Depend on Your Awareness of the Risks You are Being Made to Take . . .*

INTRODUCTION

Each of us must speculate wisely, or be speculated upon in order to survive. As a specie humans have survived largely because mother earth has been bountiful and tolerant of our ignorance and blunders. Now all of us have to begin to speculate wisely about the consequences of the sum total of all our deeds, because we are reaching a point where our earth cannot tolerate too many vast technological blunders. We can no longer use a "wait and see" approach such as we now use for operation of the enormous Maine Yankee atomic reactor in Wiscasset. We have heard only one side of the speculations about operation of Maine Yankee, and the vital decisions are now being made on that basis. This pamphlet endeavors to present the authorative speculations, findings, and past experiences of scientists who forecast another version of what may happen. If you are concerned at all about the survival of yourself, your family and your neighbor, you must inform yourself on the issues presented in this pamphlet.

WHAT IS MAINE YANKEE'S RADIOACTIVITY?

Next December in Wiscasset, the Maine Yankee Atomic Power Company will activate the world's largest operative nuclear reactor, which will begin spreading throughout Maine deadly radioactive wastes you will not be able to see, smell, taste, or feel. Radioactive waste from Maine Yankee will emit various rays of high speed particles or energy. These emissions are simply called radioactivity. Scientists measure the number of these emissions per second in curies. One curie represents the amount of radioactivity emitted by one gram of the radioactive element, radium. There are thirty-seven billion particle emissions every second from one gram of radium. Radium is just one element among some two hundred others that Maine Yankee will be producing.

The Humboldt Bay Atomic Plant in California is sixty-nine megawatts in size. It released 897,000 curies in 1968. (Thompson 1969) Maine Yankee will be 855 megawatts.

Maine Yankee's information coordinator, Don C. Laubenstein (1970) estimates that for someone living on the boundary of Maine Yankee, his radiation exposure will only be increased by 1 millirem per year with commencement of Maine Yankee operation. The implication is that since he already lives with 140 units of "natural" background, 1 more unit will make little difference. It takes no account of accumulations and concentrations of radioactivity from Maine Yankee in the environment and area foods. This estimate is based on yearly averages, not accounting for the higher, intermittent and more dangerous momentary release of radio-

activity. The natural background radiation estimate is 100–170 millirems per year. Normal nuclear plant operations are allowed to expose the reproductive organs to about twice this amount (200–340 mrems/yr) and about five times as much (500 mrems/yr) for whole body exposure. (Thompson 1969) In the case of an accident the AEC has allowed Maine Yankee to expose residents in a six mile radius to a 1,000 mrems/2 hr. whole body dose of radiation and a 40,000 mrems/2 hr dose* to residents' thyroids at a distance of six miles (USAEC Docket No. 50–309, Aug. 16, 1968)

Dr. Gofman explains that, while utilities claim actual recorded discharges are hunreds and thousands of times lower than upper permissible limits, they and the AEC adamantly refuse to reduce upper limits by just 10 times. Why? Because all plants now have to release upper limits intermittently in order to operate (a few plants now operate constantly near upper limits). Furthermore the plants we have now are "baby nukes" (Maine Yankee 855 megawatts) by comparison to proposed 4,000–10,000 megawatt plants which the AEC seriously doubts can be operated even at present upper limits. (Today Show, Feb. 1971)

WHAT WILL MAINE YANKEE'S RADIOACTIVITY DO?

We are all exposed to natural "background radiation" from the earth and outer space which causes some cancer, genetic damage, and shortening of life, Dr. John Gofman, University of California estimates about 18,000 cancer deaths and 500,000—1,000,000 genetic defects yearly due to natural background radiation (Today Show Feb., 1971). It is recognized by almost all scientists that there is no radiation threshold below which damage is impossible. Schubert and Lapp state:

"In the light of recent data provided by the careful examination of patients who have less than the present day maximum permissible level of radium in their bones but who nonetheless exhibit bone lesions, we feel that the concept of a threshold for radiation injury is probably wrong. Any radiation produces some biological effect, which would be demonstrated if our methods of assay were sensitive enough to detect it." (1)

It is also universally agreed that "cancer can begin when a single cell is altered" and "the nucleus of a cell in which are contained the cell's reproductive mechanisms, can be damaged by a single particle of radiation (Curtis and Hogan, 1969)." One curie (37 billion particles every second) can quickly kill a human.

Nobel Prize winner Dr. Linus Pauling (1970) estimates 60,0000 additional cancer and leukemia deaths per year could result in the United States due to the operation of nuclear reactor plants (such as Maine Yankee) if increasing radiation is allowed to reach AEC permissible levels. Drs. John Gofman and Arthur Tamplin (1969) of the Lawrence Laboratory, University of California, conservatively estimate 32,000 additional cancer and leukemia deaths per year plus untold genetic damage as currently allowed radiation limits are reached. The AEC and utilities rebut that such estimates are too high because they are based on exposures that will affect only people down wind and in the general vicinity of nuclear plants. Dr. Gofman rebuts that the 600 proposed nuclear plants (950 now according to Stuart Udall) will put everyone under upper limit exposures to radioactive effluents. Dr. E. J. Sternglass (1970) of the Department of Radiology, University of Pittsburgh, has estimated 2,500 infant mortalities have resulted from air releases of radioactivity from the Dresden, Ohio plant alone (the Dresden plant is 210 mw. in size; Maine Yankee, Yankee, 855 mw.).

*50 percent higher for one-year-old children (H.E.W. Document NF–67–6, Jan. 15, 1967).

". . . compare the changes in the counties located down wind from those up wind as well as with similar counties more than forty miles away to the north and west as control."

"Inspection reveals that among the six nearest counties, Grundy, the county in which the reactor is located, shows the greatest increase in infant mortality rates, namely 141 percent (for 1966) in excess of the 1964 rate. Next in increased rate is Livingston, to the south with a rise of 140 percent, followed by Kankakee to the southeast with a rise of 43 percent. Will to the northeast showed only a five percent rise, while LaSalle to the west actually showed a small decline of seven percent and Kendall to the north registered a decline of 21 percent.

"This tendency for up wind counties to show declines correlate with declines that took place nearly everywhere else in the U.S. and all over the world since 1964 as confirmed by the bar graph for the six up wind control counties more than forty miles away."(2)

Dr. Robert Cunningham Fadeley, Director of Research of the Foundation for Environmental Research, Golden, Colorado, presents summary of an extensive investigation of the cancer death rates adjacent to Oregon waters contaminated by radioactivity from the AEC Hanford Works reactor.

"The population in counties bordering the Columbia experienced a general cancer incidence of 181.8 deaths per hundred thousand over the years 1959 through 1964. This incidence was 53.2 percent larger than the incidence found (18.7) in seventeen physiographically protected Oregon counties. Residents of Portland, Oregon experienced a general malignancy incidence of 207.5 which is 74.8 percent larger than the projected county figure. All major sub types of cancer are similarly effected."(3)

Dr. E. P. Radford, Professor of Environmental Medicine, Johns Hopkins University, writes of human mutation rates caused by tritium, the most prevalent radioactivity to be released by Maine Yankee. (Dr. Theos J. Thompson, 1969) Dr. Radford's papers describe the tritium isotope as a radioactive form of hydrogen impossible to catch in the plant's treatment systems, and presenting radioactive hydrogen to living organisms in the vital form of water which we will eat, drink, breathe, and absorb through our skin. He describes how human metabolism can isolate tritium more readily than normal hydrogen in the rapidly dividing cells of children or in the ovaries and gonads of adults, and how in 12.5 years this tritium in our cells looses only half its high energy beta ray releases (particles.) (1969, 1970)

Dr. Charles W. Huver of the University of Minnesota points out:

"Because tritium becomes incorporated in the DNA molecule (among others) the problem of genetic mutation and chromosome damage has to be faced. For instance, Gray (1959) has reported the remarkable result that beta rays of the energy of tritium are about 2.5 times as effective in producing chromosome breaks as are gamma rays. Assuming the often held view that chromosome breakage is one of the main causes of cell lethality, one would expect that tritium beta rays would be about 2.5 times as lethal per unit dose as gamma rays."(4)

Humans are composed of some 300 trillion cells, each type reproducing perfectly at various rates to replace itself. The January 1970 issue of "Saturday Review" explains in the article "What's Happening in Cancer" that once in our bodies that radioactivity most commonly damages the growth control mechanism in our various cells resulting in corresponding cancers. Rachel Carson's book, Silent Spring explains:

"Today we find our world filled with cancer producing agents. An attack on cancer that is concentrated wholly or even largely on therapeutic measures (even assuming a 'cure' could be found) in Dr. Hueper's opinion will fail because it leaves untouched the great reservoirs of carcinogenic agents which would continue to claim new victims faster than the as yet elusive 'cure' could allay the disease . . ."(5)

Blood cancer, called leukemia, is the most common cancer caused by man-made radioactivity from nuclear fission and has a zero chance of being cured. Just one blood cell with an altered growth control mechanism in the human body divides into two cells at an accelerated rate, then into four, and eight, and so forth. Years later when the number reaches about one trillion a human will die.

Human sperm cells prove easily damaged by radiation. Human egg cells are in a set number vulnerable throughout the reproductive life of the female. Mutations usually appear one or more generations later.

Dr. James F. Crow, Geneticist from the Department of Medical Genetics, University of Wisconsin estimates:

"After a number of generations of exposure to one roentgen per generation (a minimal exposure from nuclear plants), about one in eight thousand of the population in each generation would have severe genetic defects attributable to the radiation." (6)

Curtis and Hogan state:

"Of course, in the evolutionary process, harmful mutations—and most mutations are decidedly harmful—tend to eliminate the hereditary lines that carry them, because of sterility, disease, and feebleness. But even if this process of natural selection does erase harmful strains, the elimination process itself entails suffering of every imaginable sort, whole heritages of suffering perpetuated from parent to child to grandchild until the last tormented decedent is laid to rest." (7)

What does the AEC say about these mutations? Former Chairman of the AEC's Reactor Safeguard Committee, Dr. Edward Teller stated:

"There is no doubt that natural radiation causes some genetic damage and gives rise to some fatal deaths. No precise numbers can be given. It is also clear that mutations, due to natural radiation or other causes, have a positive biological function. Without mutations neither evolution or adaptation would be possible. Since our environment has changed and is continuing to change at an unprecedented rate, the importance of adaptation cannot be completely denied." (8)

The AEC will assure you that damage from a nuclear power plant such as Maine Yankee will be minimal or non-existent while independent scientists indicate anywhere from a few to several hundred deaths and mutations annually will result.

The effects of high levels of radiation are well documented. Refer to the appendix for a definition of radiation sickness. (See appendix)

Maine Yankee officials assure us that major accidents are improbable. Dr. Dean Arahamson, Professor of Anatomy, University of Minnesota Medical School states:

"Probably the net effect from normal operation exceeds that of a single large accident." (9)

Dr. W. Herbst of the Radiology Department, University of Freiburg, West Germany, reports:

"The public has never been informed about the possible long-term risk of living close to a nuclear power station. Dr. Herbst stressed the danger to populations absorbing 0.5 rem more than normal every year during a lifetime to say 70 years. One of 500 persons would die from cancer or leukemia and more than 300 first-generation children in a population of one million would present chromosome damage, he said, from absorbing such a dosage, which would amount to a total of 35 rem." (10)

Each nuclear reactor, according to its size and design, must be allowed to release a certain number of curies to the environment in order to operate (see tables 1 and 11 appen-

dix). Thus some reactors have already released millions of curies to their surrounding environment, yet the AEC and all utilities report that there are no actually detected exposures of radiation to the public or concentrations in the environment attributable to any nuclear power plant in the U.S. Where have all those millions of curies gone, of which any fraction of one curie can be extremely hazardous to humans?

## ELECTRIC POWER IN THE SEVENTIES

### HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. McMILLAN. Mr. Speaker, I wish to insert in the RECORD a speech made by Mr. Shearon Harris, chairman of the Edison Electric Institute, located at 90 Park Avenue, New York, N.Y., and also president and chairman of the board of the Carolina Power & Light Co., which covers North and South Carolina.

You will note Mr. Harris delivered this speech to a distinguished group of various communications media at the National Press Building here in Washington. I think the speech delivered by Mr. Harris is a masterpiece and hope that every Member of Congress will take a few minutes' time to read this very informative speech:

ELECTRIC POWER IN THE SEVENTIES

President Louviere, honored guests, and members of the National Press Club: The invitation to address so many distinguished representatives of various communications media provides an opportunity which I sincerely appreciate. I hope the information I will share with you during the next 20 minutes, and in response to your questions, will bring a better understanding of the largest industry in America.

At the outset, let me anticipate one question with this emphatic assurance:

There is no nationwide or national power crisis.

We expect reserves this summer to be either about the same as last summer or somewhat improved and we are capable of greater mutual assistance.

Even before this luncheon adjourns, the lights may go out somewhere in this vast land; but I assure you it will be a local matter. Intervals of extreme temperatures raise the possibility of local power interruptions, but any such outages should be limited in area and duration.

"Reliability"—as the term has become known since November of 1965—is not one of our industry's major problems.

Following the 1965 Northeast blackout, we accelerated our technical and administrative procedures to increase our already high level of reliability and to develop stronger transmission systems and interconnections. Despite obstacles to the construction of new facilities, transmission capacity and the ability to move bulk power between and among regions have increased due in no small measure to the work of the nine regional coordinating councils covering the country and the National Electric Reliability Council of which they are members. There have been no further cascading blackouts since 1967. Currently, the National Electric Reliability Council is evaluating the ability of the interconnecting networks and the generating facilities supplying the loads to support generation deficient areas during times of emergency.

Every industry has its problems and ours is no exception. In fact, the magnitude of our problems bears a direct relationship to the size of our industry. Within the next few minutes, I will share some of those problems with you; but I prefer to regard them as "challenges."

First, we begin with population; for, after all, it is people we are dedicated to serving.

Our industry honors its public utility service commitment not only to today's America, but more important, we are equally obligated to the tens of millions of new Americans of tomorrow. Even the most conservative demographers estimate that our population will grow (on the basis of two children per family) to at least 265,000,000 by the year 2000. At the population growth rate of the sixties (3.24 per family) we would pass the 300,000,000 mark *before* the year 2000.

You have heard many ill-advised, emotionally charged alarmists counsel "zero growth" for the sake of our environment. Such an uncertain sound would signal ignoble retreat into the past.

Instead, the investor-owned electric utility industry recognizes its obligation to see that all customers enjoy not only the creature comforts and conveniences of clean electric energy but also important, power in abundance to support their economic, social and physical well-being on an ever-improving level.

The party that straightforwardly advocates that we should embark on an energy policy course that reduces jobs, restricts economic opportunity and results in reducing resources available to support health, education, welfare and cultural pursuits will find itself summarily rejected.

Electric power will prove to be part of the solution rather than a part of the problem as it relates to the environment.

As Senator Jennings Randolph, Democrat of West Virginia, said in the Congressional Record of last April 26, "The quality of life and the use of energy are inextricably tied together. For one to improve, the other must increase."

Our industry will provide that energy in the form of safe, nonpolluting electricity converted from raw fuels by the most efficient technology now known to man.

In a recent New York Times column, Robert Bendiner, said:

"The fact is, we need more power to do the very recycling of waste that is so desirable. We need it to operate the vastly expanded sewage treatment plants that a growing population demands. We need it for that immeasurably developed system of mass transportation that our metropolitan areas must have if the automobile is not to make the human lung outmoded. We need it for the herculean clean-up of the nation's lakes and rivers. And, not least, we need it if all who are just emerging from dire poverty are to enjoy a standard of living we have so come to take for granted . . ."

Mr. Bendiner went on, and so could I; but the need for more power is too obvious to labor the point.

Note how often the task of enhancing the environment is characterized as "herculean." We disavow the methods of our mythical hero. Indeed we will provide the labor to clean whatever Augean stables need cleaning today, but we will not flush the pollution into any River Alpheus.

To be a hero today, even Hercules would need a new approach!

On May 15 Business Week magazine reported that a survey by the McGraw-Hill Economics Department showed that electric utilities lead 12 other major industries in outlay projected for pollution clean-up, with an estimated total of $3.2 billion. It said these utilities plan a jump of 68 per cent in their spending in 1971, to $679 million.

With the greater interest in improving the quality of life, electric energy is gaining recognition as being fundamental to solving some of our most serious environmental problems.

In a sampling of Edison Electric Institute member companies, 85 different manufacturers which purchased electricity from 16 electric utility companies were found to be using annually nearly 1.5 billion kilowatt-hours exclusively for pollution control or environmental enhancement. These kilowatt-hours represent 8.4 percent of the total annual electrical requirements of these 85 customers. In the future, these customers expect to be using nearly 2.3 billion kilowatt-hours a year strictly for environmental considerations.

Effective reduction of water pollution means a tremendous expansion in sewage treatment facilities. To pump millions of gallons of water through screening, filtering and clarifying systems through the hundreds—and perhaps thousands—of urgently needed new treatment plants will require massive quantities of electric power.

In the solid-waste recycling field, there are electrically powered machines using up to 10,000 horsepower for shredding, baling and compressing old auto bodies and other junk. Millions of aluminum cans are being recycled through processes requiring electric energy.

Recently it was reported that scientists at the Franklin Institute are building a machine predicted to separate 60 tons of household trash an hour into reusable raw material. If such a device with the indicated separating and shredding characteristics were to come into being, we have calculated that more than 2 million kilowatts of electric generating capacity would be required to operate the machines needed to handle the 360 million tons of residential, commercial and industrial trash which was produced in the United States in 1969.

On a less theoretical basis, it has been determined that five paper mills on one electric utility's system will need 214 million kilowatt-hours a year by mid-1972 to operate the equipment to enable these operations to meet the state's environmental standards. This amount of electricity is equal to the annual consumption of some 30,000 residential customers using in their homes the 1970 annual average of 7,066 kilowatt-hours per customer.

Consider foundries, which have been prime examples of a polluting industry. Improvements in combustion techniques, including the introduction of electric induction furnaces, have virtually eliminated foundry pollutants. In one example, at Saginaw, Michigan, several electric induction furnaces of a large foundry use 20,000 kilowatts each.

In the broad area of transportation, it has long been recognized that the internal combustion engine is the largest single source of air pollution. There is no question but that the use of electrically powered vehicles will increase, and that the day is coming when the short-range battery-driven electric car will be a feature of the urban and suburban scene.

Last summer, a task force of the Institute's Railroad Electrification Committee pointed out the advantages of electrified railroads. In addition to the obvious environmental benefits of electric locomotives over diesel-electric locomotives, the task force report cited the fact that the traffic-handling ability of one two-track railroad line is equal to that of seven four-lane highways. There is much to gain in improved land use and in air quality through the development of electrified railroad cars and mass transit facilities.

Our basic objective of an abundant electric energy supply compatible with appro-

priate environmental considerations will carry a higher price tag. The combined effect of the ravages of inflation, demand for fuels outrunning available supply, higher capital costs, increasing state and local taxes and added investment in pollution control equipment means higher cost for electric service.

Add to these "challenges" the problems of plant siting and everybody else's attempt to "solve" them for us, tight capacity positions in some areas and staggering construction programs and financing costs which demand adequate earnings.

The press has given considerable attention recently to what I call the "raw energy crunch," or the risk of demand outrunning the available long-term supply of fuel such as coal, natural gas, oil and uranium.

Last year the electric power industry in the United States consumed slightly more than 320 million tons of coal, almost 325 million barrels of oil, 3.9 trillion cubic feet of gas and 570 short tons of uranium ore to produce 83.8 percent of the 1.53 trillion kwhr of electric energy consumed by our Nation. Hydraulic energy met the other 16.2 percent of electric needs.

The investor-owned electric utility industry required an estimated 17 percent of the total fossil fuels consumed in the United States in 1970, about one-tenth of a percent of the proven recoverable reserves at the beginning of 1970.

With electric power requirements expected to quadruple in the next two decades, the critical nature of supply-price trends is obvious.

In 1969 and 1970, labor unrest, production delays, increased exports, hopper-car scarcity and other factors created a crisis in the supply of coal for many eastern utilities, their most important raw fuel. EEI proposed four means of alleviating the shortages: an export embargo, increased coal depletion allowance, development of practical methods of removing sulphur from stack gases and incentives for faster turn-around of railroad coal cars.

Short-term efforts by industry and government increased coal deliveries; and coal costs also increased. However, coal still tops the fuel policy priority list.

Residual fuel oil almost doubled in price on the East Coast in 1970. Recent Middle East negotiations suggest that prices there will trend toward whatever the traffic will bear. Higher shipping costs and increased demand for low-sulphur oil to meet air pollution regulations will continue to exert upward pressures on oil prices.

It is reported that about 23 per cent of the nation's present petroleum needs are served by foreign sources and that by 1980 we may be importing as much as 50 per cent.

Natural gas is in short supply, not because it does not exist, but because of apparent lack of incentive for exploration. Chairman John Nassikas of the FPC has taken action to determine whether higher rates should be established for future supplies of natural gas dedicated to the interstate market and whether prescribed pipeline rates yield returns adequate to attract investment capital for gas exploration.

Requirements for uranium, used in the present technology, indicate long-term limitations which would tend to cause nuclear fuel prices also to drift upward.

Efficient use of our energy resources will be the key to success with any fuels policy. In that context, former Presidential Economic Adviser Hendrik Houthakker last month observed: "There are few economic problems that cannot be solved by private competitive enterprise with a minimum of government intervention. Nothing I have seen or heard in the area of energy so far has convinced me that exceptional measures by the Government are warranted. Provided we let the free market do its job, we shall be neither cold nor powerless in 1980."

In other to cntribute to the formulation of that policy, a comprehensive study of energy requirements is now being conducted by a top-level Policy Committee on Energy Resources of the EEI. The study will identify and specify the interrelating factors, including technological progress and government policy, which will affect the availability of fuels and energy. The study also will provide specific fuel forecasts for the middle of the 70's and 1980. We will make this study available broadly, and we believe that it will be useful not only to our industry, but also to Congressional committees and government agencies. As I will indicate in a moment, answers to the fuels challenge are linked with research and development.

Government participation in our daily lives has become so pervasive and the operation of government so complex that various uncoordinated actions of government sometimes coincide to prevent the electric utility industry from doing what the total of society wants done to adequately serve it. Agencies of our society are unwittingly acting in conjunction with each other to frustrate the very society they serve. The development of energy policy needs not so much a system of rationing or allocation of resources but a coordination of our many fragmented policies so that the nation is assured adequate and environmentally acceptable fuel supplies at reasonable prices.

For example: (1) Promotion of coal exports by the Department of Commerce while mine safety reduced production and created a domestic shortage; (2) Environmentalists act to block construction or operation of power facilities which would supply the power needed to operate clean-up devices.

CAPITAL CHALLENGE

Investor-owned electric utility plant and equipment at the end of 1970 aggregated $93.5 billion, and new construction within the next five years was estimated to require $55 billion, compared with $37 billion for the preceding five years.

Electric needs of the next two decades will require new investment capital of a magnitude that staggers the imagination. Attracting the necessary new money will depend largely on the level of earnings allowed by regulation. It is heartening to note the recognition by regulatory commissions that rate increases are imperative if utilities are to meet their service responsibilities in the face of higher costs all along the line.

Reports to EEI last year showed that 85 rate increases were granted to investor-owned electric utility companies, and that 25 were granted during the first quarter of 1971. Many more applications are pending.

During the last eleven years, 1960–1970, the investor-owned electric utilities raised new money for their expansion program equivalent to more than nine per cent of all personal savings. In the remaining years of the Seventies, a somewhat larger share will be required.

It should be noted, however, that one of the key characteristics of the electric utility industry is that its rate of growth exceeds that of the economy as a whole. This is expected to continue. As electric energy expands in its application to a variety of fields—house heating and transportation, for example—it tends to replace to an extent capital requirements of other segments of the economy. Hence, the expectation that the electric utilities will require a larger share of personal savings in the future is reasonable and does not present insuperable obstacles—as long as investors can see that putting their money in our industry is competitively attractive compared with other opportunities.

In this area, of course, much depends on public opinion; and despite the misinformation and confusion to which they are so often exposed, our customers generally think well of us. Response Analysis Corporation has just completed a nationwide opinion survey which shows we rank neck and neck with telephones as the leading industry the public feels is trying hard to serve the public well. Eighty-five per cent of those approached thought dealings with electric companies were satisfactory and a large majority—60 per cent—felt prices are reasonable. The majority also opposed restricted use of electricity and thought, on the contrary, that the best way to clean up the environment was to use it more effectively.

Finally, and perhaps the most vital, long-term challenge lies in the field of research and development. In addition to extensive research and development previously undertaken by our industry and equipment manufacturers. I propose four specific areas requiring massive effort:

De-sulphurization of fossil fuels, the near-term route to making 1,000 years' supply of coal available for use without ecological degradation.

The fast breeder reactor, a longer-range route to energy conversion efficiencies on the order of 50 to 75 times today's light water reactors.

A significant step forward toward achieving useful power from thermonuclear fusion. This technology holds promise of solutions of many of our fuel and environmental problems of the future and deserves commitment now if we want to make it ready to use 30 years from the time we make such a commitment.

Underground transmission technology, a need that becomes increasingly pressing as power requirements grow.

The fast breeder reactor alone would constitute one of the largest R&D projects we have ever attempted and poses profound financing puzzles which we have yet to solve. These derive from the peculiar forces which inhibit R&D investment within regulated utilities.

We do not need to be apologetic about our past level of commitment to research and development. The issue is not whether we should have done more but the issue is what needs to be done *now* and how should we do it.

In our enterprise system, the profit motive normally stimulates investment in research and development. In the case of regulated utilities, which must pass along to the customer such benefits in the form of reduced rates, not only does the incentive not exist but the system actually works in a counterproductive fashion.

Our assignment is to find an acceptable way to permit those who will enjoy the benefits of technological improvements, that is to say our customers, to share in providing the seed capital for such undertakings. The concept of a surcharge, to be applied voluntarily by each electric supplier with proper approval by regulation, has been suggested and has my enthusiastic support until such time as a better approach evolves.

In my opinion, more effective research and development can be accomplished at less cost if a means can be found for funding and directing the program through the private sector of the economy with a minimum of governmental involvement.

We are conscious of the concern in many governmental quarters, particularly the Congress, for the matter of adequate power supply and proper environmental protection; and we hope that any new regulations and standards enacted into law will work to expedite rather than retard the business of supplying the nation's energy.

President Nixon's recent energy message to Congress reiterates our own objectives of a coordinated, long-range program assuring the ready availability of fossil fuels. His emphasis on developing the fast-breeder reactor reinforces the efforts of industry committees

which for months have been working with the AEC toward that end.

We agree with the President on the wisdom of the nation using its energy resources wisely. To critics of "frivolous and extravagant" power use, we would point out that all the small appliances in the nation use less than four percent of electric power, while commerce and industry uses two-thirds.

In working with government toward common objectives, the investor-owned industry offers its most thoughtful and constructive cooperation.

We are continually conscious of the verity of a quote recently attributed to Interior Secretary Rogers Morton to the effect that "ecology is the most important thing in the world until the lights go out."

The electric industry is confident it will deliver all the electricity this and future generations demand, with a balanced energy-environment perspective. Electricity is not the problem. Electricity is a major part of the solution to the problem.

## STATEMENT OF JOHN T. CARSON BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE, ENVIRONMENT AND CONSUMER PROTECTION

### HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. BIESTER. Mr. Speaker, I would like to take this opportunity to commend to my colleagues the statement presented to the Senate Appropriations Subcommittee on Agriculture, Environment and Consumer Protection by John T. Carson, chief of the division of natural resources of the Bucks County Planning Commission. The division presented its testimony on April 26 on appropriations for the Soil Conservation Service. The statement follows:

STATEMENT OF JOHN T. CARSON

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 98% 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.

Moneys 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 least 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.

On behalf of the Bucks County Commissioners, 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.

## MINIMUM PROTECTION FOR THE MINORITY

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. RAILSBACK. Mr. Speaker, if we want to improve the Congress and its opportunity to function at its best, it seems to me that a minimum protection for the minority would strengthen the legislative process. The amendment being proposed would provide up to one-third of the funds appropriated to committee staffs to be allocated to the minority party. This amendment does not establish a rigid standard by saying that one-third of the staff has to be of the minority, but it does insure the minority of at least one-third of the funds. It is only reasonable to require that the size of the committee's minority staff more nearly approximate minority party strength in the House itself. Assurance of adequate staff is necessary, especially in those committees which are moving into new and challeng-

ing areas. I think the intent of this amendment is within the best traditions of the democratic process, to make assurances that our representative form of government is premised on minority rights, as well as majority rule.

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## CONGRESSMAN McCLORY ADDRESSES CHICAGO ROTARIANS ON EQUAL RIGHTS FOR WOMEN

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## HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mrs. CHISHOLM. Mr. Speaker, recently our colleague from Illinois (Mr. McCLORY) addressed the prestigious Chicago Rotary Club on the subject "The Equal Rights Amendment—Will it Make Women more Equal?"

Mr. McCLORY's address was delivered at a ladies' day luncheon meeting at the Sherman House in Chicago.

Mr. Speaker, I should add that Mr. McCLORY served as a member of the Subcommittee of the House Judiciary Committee which heard the extensive testimony on the proposed equal rights amendment to the U.S. Constitution. As a supporter of this constitutional change, Mr. McCLORY's remarks before the Chicago Rotary Club are of particular significance. Mr. McCLORY's speech follows:

ADDRESS OF CONGRESSMAN ROBERT McCLORY

The Equal Rights Amendment to the United States Constitution is about to become a very live issue in the Congress of the United States. The proposed Constitutional Amendment is embodied mainly in one short sentence proposed to be added to the Constitution which reads as follows:

"Equality of Rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

That is all it says; and in plain language, that is all the amendment proposes to accomplish. But the implications of this one sentence on our society and on the laws of our Federal Government, and the laws of all the 50 states, are far-reaching, and appear to some persons to be quite frightening.

I should add that this Constitutional change has been proposed in every Congress since 1923. It traditionally gets bottled up in one or another committee and never sees the light of day. However, at the last session of the Congress, after a discharge petition had been signed by 224 members of the House (more than a majority) the measure was taken from the House Judiciary Committee, placed on the House Calendar, and passed by a resounding vote of 350 to 15.

That was in August, 1970. Nevertheless, the measure was sidetracked in the Senate, then cluttered up with several amendments to the point where its main purpose was defeated. Now, after extensive hearings and the furnishing of voluminous documentary material, the proposal is about to be considered again by the United States House of Representatives. In deed, the issue will probably be debated in the House in the next week or two, and voted upon.

As a constitutional amendment, it will require approval by a two-thirds vote of the House and of the Senate—after which it will be submitted to the legislatures of the 50 states where ratification by 38 states (three-fourths of the states) will be needed in order for it to become part of the Constitution.

As some of you may know, each of our 50 states is authorized to have 2 statues placed in the U.S. Capitol of persons identified with their respective state. One of Illinois' statues is of Frances Willard, who graduated from an institution in Evanston described then as the North Western Female College. Later she became President of the Evanston College for Ladies and Dean of the Women's College of Northwestern University.

Frances Willard, a long-time President of the W.C.T.U., determined that women could not be effective unless they obtained the right to vote. She began her campaign for woman suffrage in 1876, and continued until the time of her death in 1898. However, it was not until ratification of the 19th Amendment on August 26, 1920, that women for the first time obtained the right to vote. Illinois was the first state to ratify the 19th Amendment—just five days after it received congressional approval on July 5, 1919. Frances Willard's statue was placed in our nation's capitol in 1923.

Notwithstanding the Constitutional prohibition against discrimination with respect to voting rights, sex discrimination has been practiced in various ways both before and since that time.

According to Marguerite Rawalt, Vice Chairman and Counsel of Women United: "The Constitution, when originally drafted, did not include women. In the 187 years since that time, the Congress and the state legislatures have given women one constitutional right, the right to vote—that and nothing more."

Then, she added: "In these 187 years the U.S. Supreme Court has failed to interpret the Constitution to afford benefits to women within its coverage. The court has interpreted the 14th Amendment (guaranteeing equal protection of the laws) to cover corporations, juveniles, school children and even communists: As to women it has used the amendment to impose restrictions and limitations."

Some opponents to the Equal Rights Amendment argue that laws which discriminate both for and against women are of divine origin. Indeed, one of the most forceful if not the most persuasive statements presented to our House Judiciary Committee was presented by a witness, William G. Reitzer of Washington, D.C. He quoted generously from the Bible as his authority, declaring with conviction that "the subordination of women to men was a deliberate purpose of God in His plan for human life on earth." He concluded that "women can find as full and as satisfying a life as the earth affords by remaining within the biblical limits of their roles and rights." Then he charged: "Any suggestions to the contrary are from Satan."

(Record of Hearings—pages 572–578.)

Whatever the origin or purpose for the enactment of legislation distinguishing between men and women, a great many Federal, State, and local laws persist which result in discrimination on the basis of sex.

The sole purpose and intent of the Equal Rights Amendment is to forbid such State and Federal discriminatory laws. It does not affect purely private relations.

Let us consider the types of laws which would be affected by the Equal Rights Amendment.

*First*, those states which continue to discriminate against women on juries would be invalidated. Women enjoy equality of rights to jury service under our Federal laws and the laws of the State of Illinois. But 12 states discriminate in various ways against women on juries.

*Second*, laws which bar women from Federal or State colleges and universities would probably be nullified by the Equal Rights Amendment to the Constitution. As recently as ten years ago, the Supreme Court refused to review a case where the admission of women was refused to a state college in Texas. Last year this rule may have been modified slightly in a case involving the University of Virginia at Charlottesville where the University was directed to submit a three-year plan eliminating segregation on the basis of sex and effectively barring women from many courses at the University of Virginia. (I assume this requirement to desegregate relates primarily to the classrooms and not the dormitories.)

A question arises immediately as to the effect of such a constitutional change on our military academies at West Point, Annapolis and the Air Force Academy. Undoubtedly, discrimination based solely on the qualification of sex would be unconstitutional.

*Third*, this discussion turns naturally to the subject of the selective service law which applies solely to male citizens at the present time. Of course, such sex discrimination would be invalidated and women would be equally subject to the draft. However, this would not interfere with the right to exempt one parent or the other from military service, nor would it interfere with the right to exempt women where their physical or other distinctive characteristics (other than sex) would exclude them from military service. This point was tested in a recent federal case where it is pointed out that women are not in fact excluded from service in the armed forces. The court stated that "in providing for involuntary service for men and voluntary service for women, Congress followed the teachings of history that if a nation is to survive, men must provide the first line of defense while women keep the home fires burning." While the nation is moving rapidly toward an all-voluntary military force, the impact of an equal rights amendment on the selective service law may be largely academic. However, in case of a general mobilizataion, the distinction between the new army, navy, air force and marines—could be quite striking—if the equal rights amendment is adopted.

Fourth, although alimony, child support and child custody laws would not be invalidated, their application equally to both husband and wife would be required. In other words, husbands would be equally as entitled to receive alimony as wives—where the circumstances justified such a ruling. In addition, women would not be entitled to any preferential right to custody of the children solely because of their being mothers. The husband and father would enjoy an equal right.

Fifth, so-called protective laws adopted some years ago under the guise of protecting women because of their weaker and more delicate physical characteristics would be among the principal victims of the constitutional change. Many states now limit the number of days which women may be employed, establish the maximum number of hours for work, prohibit women from certain occupations, forbid any employment where heavy lifting is required (usually from 10 to 25 pounds maximum), impose requirements for lunch and rest periods—and require that seats be furnished where women may rest in the course of their work.

It was in order to preserve these laws that the main objection to the equal rights amendment was voiced. This opposition came from the AFL–CIO purporting to speak for 13½ million members—including almost 3 million women members—in support of retaining these protective laws and in opposing the equal rights constitutional amendment. Claiming to speak in behalf of the women as well as the men members of his labor organization, Andrew J. Biemiller, Legislative Director of the AFL–CIO, contended that these protective laws are necessary because "all too many working women do not have the protection afforded by trade union membership and must therefore rely on safeguards provided by law."

I should add at once that the United Auto Workers took precisely the opposite position—contending that protective legislation

is used as a means of barring many women from jobs.

In gauging the importance of the Equal Rights Amendment to women, it would seem well to respect the views which women and women's organizations have expressed. No less than 16 women's organizations presented testimony before our Judiciary Committee and all but one testified for the amendment, including representatives of the business and professional women's clubs, the National Association of Women Lawyers, the President's Task Force on women's rights and responsibilities and several other groups that have as a primary object of their existence—the adoption of the Equal Rights Amendment to the Federal Constitution.

The lone woman witness against the measure, Mrs. Leon Keyserling, chairman of the National Council of Catholic Women, contended that her objective was the same as those supporting the Equal Rights Constitutional change—to eliminate existing inequities. However, she contended that this could be accomplished now under the 14th Amendment to the Constitution (the Equal Protection Clause)—even though that has not been the result to date. Also, she favors the legislative route of amending state and Federal statutes which adversely affect women. I should add that the 14th Amendment to the Constitution continues to be relied upon in attempting to eliminate many inequities between the legal rights of men and women. It was this part of the Constitution to which the Supreme Court referred in ordering desegregation as between men and women at the University of Virginia. However, it was also the 14th Amendment which the U.S. Supreme Court has referred to in holding that sex is a reasonable classification for the so-called protective laws.

Some critics of the Women's Equal Rights Amendment see far-reaching implications in this proposed constitutional change. The one familiar charge is that, upon ratification of this Constitutional Amendment, it would be unlawful to provide separate toilet facilities for men and women. However, airlines—even in the jumbo 747—require us to share the same facilities. Nevertheless, we are able to enjoy equally our constitutional right to privacy as guaranteed in the 4th amendment, and we are not required to use the same toilet facilities—at the same time. There is no implication in the proposed equal rights amendment which would deprive us of that other cherished right—of privacy.

It is contended further that separate facilities in jails, mental institutions and the like, would not be permitted and that men and women would be required to be committed or accepted equally in the same institutions. While this is not necessarily so, it may well be that the same jail or reformatory would be used for both men and women law offenders—but it does not follow that convicts of different sexes would be confined to the same cell. However, it's an interesting subject to contemplate—if you have nothing else to do—and you are awaiting a jail sentence.

Objections of this type suggest unreasonable interpretations of the Constitution—including charges that the Constitutional Amendment aims at legislating a similarity which physically and biologically men and women do not have. However, such is not the intent. The Constitutional change refers only to "equality of rights"—and is aimed only at state and federal laws which discriminate in their coverage or effect on the sole and arbitrary basis of sex.

Life-styles and customs have changed without the benefit of any such change in the Constitution. What effect, indeed, the constitutional amendment might have on opportunities for more women to become doctors or lawyers, or Representatives in the Congress, or candidates for President—no one can truly tell.

However, the latest report from the U.S. Department of Labor shows that women represent only 7 percent of the physicians, 3 percent of the lawyers and a scant 1 percent of the engineers. The Equal Rights Amendment will have no direct effect on this disparity. Indeed, some proponents of the Constitutional change feel that it is more symbolic than real. They realize that granting equality of rights does not guarantee that there will be more women lawyers, doctors or engineers or even more women bank presidents or airline pilots, or any other improvement in the social or economic lot of American women. Still, it is my own view that the constitutional change, even though symbolic, may result in further employment and other opportunities for American women. Also, it will impose a number of additional responsibilities.

The implementation of the constitutional change comes principally from amended state and federal laws, to be followed by a new series of court cases. Under the proposed constitutional amendment, states will have 2 years after ratification within which to amend their discriminatory laws.

If the courts carry the intent of the constitutional change to absurdity, we can expect, of course, to have absurd and unintended results. However, I expect the Congress to set forth in the committee reports the reasonable intent of the constitutional change—with the expectation that the courts will provide reasonable and logical and sensible interpretations when faced with actual problems arising under the new law.

What about the alternative proposal of accomplishing the identical results by legislation—without involving ourselves in a broad constitutional change?

The answer is simply that without the coercive influence of a constitutional amendment the numerous changes in the statutory law of the federal government and of the 50 states would postpone the granting of equal rights to women for many years. The 25-page bill which proposes to amend only a few of the statutory provisions in the federal law is just a beginning of the monumental task which would be encountered in changing the discriminatory laws in all of the 50 states. Amendments to the law regarding 1) public accommodations, 2) public facilities, 3) public education, 4) public assistance, 5) social security, 6) equal employment opportunity, are but a few of the many sections of the federal statute in which changes are indicated.

In Illinois, notwithstanding the adoption of a new Constitution appearing to grant to women equal protection of the laws, the state legislature has declined to amend the so-called protective laws which are claimed by women themselves to derive them of employment.

There are 10 women in the 435-member U.S. House of Representatives where I serve—including Representative Shirley Chisholm of New York, the first black woman member in our nation's history. In commenting upon her own unique position in our nation's history, it is interesting to observe that she supports civil rights for blacks and equality for women. And here is what she says: "In the political world, I have been far oftener discriminated against because I am a woman than because I am black."

When Prime Minister Golda Meir of Israel was asked whether it was a handicap being a woman—she answered: "I don't know—I've never had the experience of being a man."

Being a man—it's impossible to know firsthand whether being a woman involves discrimination under our basic law.

But 16 out of 16 women witnesses—representing women's organizations contended that discrimination on the basis of sex was a serious problem—requiring a national solution. And 15 of the 16 favored the equal rights amendment to the U.S. Constitution. I'm inclined to feel that they know what is needed to make men and women equal under the law. Equal rights seem to me to be very similar to the guiding principle which characterizes our nation—and which is inscribed above the entrance to our U.S. Supreme Court "Equal Justice Under Law."

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## A BILL TO AMEND THE NATIONAL LABOR RELATIONS ACT

### HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. ARENDS. Mr. Speaker, I introduce for appropriate reference a bill to amend the National Labor Relations Act in six separate areas, each of which touches on the manner in which collective bargaining units are determined by the National Labor Relations Board. The bill covers, first, the status of economic strikers; second, coalition bargaining; third, the gerrymandering of bargaining units; fourth, the consolidation of bargaining units and the existence of a collective bargaining contract as a bar to an employee election in a particular unit; fifth, preservation of certain multiemployer units; and sixth, clarifying an employer's right to ask for an NLRB election among his employees.

The first amendment in this bill relates to so-called economic strikers. That is, employees who strike in furtherance of some economic goal, such as a demand for a wage increase, but who are not involved in any claim that an unfair labor practice has been committed.

Mr. Speaker, this provision has a fairly long history. Under the 1935 Wagner Act, several NLRB and court decisions developed the proposition that though replaced economic strikers had no right to reinstatement, they might still vote to determine what union would represent employees of their former employer. To correct this, Congress in the 1947 Taft-Hartley Act specified that permanently replaced economic strikers would have no vote in NLRB elections. Nevertheless, in recent decisions the NLRB and the courts have given a substantial right of replacement to an economic striker. The present state of the law appears to hold that economic strikers remain employees and are entitled to reinstatement at whatever future time their replacements might leave. This seems to eliminate a major risk involved in striking, and thus it encourages industrial unrest. The amendment remedies this defect by excluding a replaced economic striker from the definition of employee under the act.

So-called coalition bargaining ignores the statutory scheme under which a union is expected to bargain with an employer only on behalf of employees in the bargaining unit where those employees actually work. The coalition approach is an effort to force companywide negotiations with a team of unions, irrespective of bargaining units and irrespective of contract termination dates for those bargaining units. Employer insistence on bargaining only with those bona fide representative of the bar-

gaining unit whose contract is involved has been held by the NLRB to constitute an unfair labor practice in violation of the law. (See *General Electric Company*, 173 NLRB 46.) The amendment offered here, Mr. Speaker, would compel employers to bargain only with those representatives duly designated under the law as bargaining agents for employees in the particular unit to be covered in the contract. This, of course, would not limit a union's right to consult with other unions, or indeed with any other source of advice and counsel, for that matter. The amendment is a significant protection for employees, as well as a source of orderly procedure for employers. Under this amendment, Mr. Speaker, employees in a particular bargaining unit will be assured the right of representation in negotiations with their employer by people they have expressly chosen to speak for them. That, it seems to me, is precisely the purpose the statute was designed to achieve when it authorized collective bargaining at the option of the workers themselves.

Recently, Mr. Speaker, NLRB decisions have developed the practice of gerrymandering established bargaining units. It appears this fragmenting of lawfully established units is generally sought in order to devise a new unit in which a particular union might be expected to win an election among the employees. (See *Stern's*, 150 NLRB 799; *Sears Roebuck and Co.*, 160 NLRB 1435; *Carson, Pirie, Scott and Co.*, 173 NLRB 48.) The Taft-Hartley Law in 1947 directed that the extent to which employees have been organized should not be controlling in determining which bargaining unit should be designated as an appropriate unit. Nevertheless, the NLRB has returned to the practice of giving great weight to this extent of organization approach. This results in cutting up or gerrymandering an established unit to enable a particular union to represent employees in a new and smaller unit where that union is strong—even though a more extensive unit where that union is not the majority choice had already been established under the law as a more appropriate unit for collective bargaining purposes. (See *Quaker City Life Insurance Company*, 134 NLRB 950; *Sav-On Drugs*, 138 NLRB 1032.) The amendment offered here, Mr. Speaker, would stop the various gerrymandering practices which have been approved by the NLRB. It would thus restore to employees in bargaining units which have been determined appropriate under the law a fully effective voice in their own collective bargaining affairs.

The fourth amendment in this bill, Mr. Speaker, would prevent the NLRB from consolidating into a single unit a number of other bargaining units, each of which has been deemed appropriate under the law to represent the employees within it. This again is a recent reversal of the practice followed for many years by the NLRB, a salutary practice in which it refused to entertain petitions to merge or consolidate units already established as appropriate—except where a genuine question of representation was found to exist. (See *General Box Company*, 82 NLRB 678; *American Stores Company*, 130 NLRB 678.) Then in the 1968 *Libby-Owens-Ford Company* case, 169 NLRB 2, the Board ordered several units consolidated into one. It did so, even though it found that no question of representation existed, even though no union was asking for an election in the proposed overall unit, and even though long-term collective-bargaining contracts were in force for some of the units—contracts which would be a bar to election under the terms of the Taft-Hartley Act. Such activity by the NLRB obviously denies representation rights to employees which the law assures them. While my amendment, Mr. Speaker, would prohibit the type of consolidation undertaken in the Libby-Owens-Ford case, it would not bar a legitimate petition filed by a rival union. Neither would it affect established rights of employees to decertify a particular union. These rights will remain untouched, as Congress asserted them in the statute. Indeed, they are reinforced by this amendment because this amendment would prohibit the NLRB from eroding such rights as it did in the Libby-Owens-Ford case. Another facet of this amendment, Mr. Speaker, would write into law a very salutary NLRB practice which can contribute greatly to stability in labor-management relations. I refer to the so-called contract bar. Here the NLRB regards the existence of a collective-bargaining agreement as a bar to an employee election for terms up to 3 years—longer if the contract is for a longer period insofar as the right of the contracting employer or the contracting union to seek an election is concerned. (See *General Cable Corporation*, 139 NLRB 1123; *Absorbent Cotton Company*, 137 NLRB 908.) The amendment proposed here, Mr. Speaker, would permit the application of the contract bar rule for a period not to exceed 5 years, unless, of course, there is reasonable doubt as to the identity or existence of one of the parties to the contract.

The fifth of these amendments, Mr. Speaker, would prevent the NLRB from fragmenting an appropriate multiemployer bargaining unit. Until recently, where a multiemployer unit had been established with the consent of the parties, the NLRB held that it was an unfair labor practice for a union to insist then on dealing with individual members of that multiemployer unit. Nevertheless, in recent reversals of that long-established pattern, the NLRB has held that a union might disregard such multiemployer history and negotiate on an individual basis; also, that a union might single out some members of such a group for individual bargaining, but bargain with the rest as a group. Obviously such whipsaw tactics are disruptive of peaceful relationships. Multiemployer units existed long before even the Wagner Act became law. Further, they have been recognized as appropriate bargaining units in NLRB decisions for decades.

The amendment here, as indicated earlier, would make it clear that an appropriate multiemployer unit cannot be fragmented by a union which has been a party to multiemployer negotiations in that unit. At the same time it makes clear that no employer can refuse to bargain with a group of unions who are joint representatives of his employees.

The sixth of these amendments, Mr. Speaker, would clarify the right of an employer to seek an NLRB election among his employees. The requirements of the law are clear enough. The same rules apply in an election regardless of who files the petition. Nevertheless, the NLRB has applied more restrictive rules to employers seeking elections than to unions. Under its present practice the board requires an employer to show by a variety of so-called objective considerations that he has reasonable grounds for doubting an incumbent union's majority status. The fact that the certification of that union may be many years old, or that there has been a very considerable turnover of employees, will not be viewed by the NLRB as objective considerations. Further, the employer is properly prohibited from polling his employees about union preference. He is, for these various reasons, effectively prohibited from exercising a right the act confers upon him. The amendment here corrects the inequity of present board holdings by authorizing an election on the petition of an employer who is confronted by one or more claims for representation, and where there has not been a valid election in the unit within the preceding 12 months.

Mr. Speaker, these amendments merit the early and favorable attention of the House.

## AMENDMENT TO LIMIT FARM SUBSIDIES TO $20,000

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. CONTE. Mr. Speaker, when the 1972 agriculture appropriation bill reaches the floor tomorrow, I intend to offer an amendment limiting farm subsidies to $20,000 per producer.

Last year, when the Agriculture Department and the House Agriculture Committee supported a ceiling of $55,000, an amendment to reduce the level to $20,000 failed by a narrow margin, largely because many of our colleagues felt that the $55,000 limit was a step in the right direction.

Events since then have shown that this optimism was misplaced. Although potential savings of $69 million were projected, Department of Agriculture officials now freely admit there will be virtually no savings.

Since the basic farm legislation does not expire until 1974, this appropriations bill offers us the only vehicle to correct this scandalous situation. My amendment, of course, is not without precedence. The House has twice before passed measures to limit payments to $20,000, but the Senate rejected the measures.

Total payments for the 1970 program reached a staggering $4 billion—up from $3.5 billion in 1969.

My amendment could generate savings of more than $200 million. With a deficit

budget facing us and many critical domestic needs still unmet, we simply must not miss this opportunity.

I hope that all of my colleagues will agree and will be on the floor tomorrow to support this amendment.

Mr. Speaker, for the information of my colleagues I refer them to a list of all those farmers who received payments in excess of $20,000 in 1970. I inserted the list in the RECORD for April 27, 1971, at page 12104. It will identify all those likely to be affected by my amendment. I also include at the close of these remarks a chart prepared by the Department of Agriculture showing the number of producers in each State receiving payments of $20,000 or more in 1970 under each of the three major programs—feed grain, wheat, and cotton.

Finally, I also include a list of figures which show the dramatic increase in these subsidies over the past 4 years.

The chart and the list of figures follow:

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

NUMBER OF PAYEES, WITH DOLLAR AMOUNTS, WHO RECEIVED $20,000 OR MORE UNDER 1970 FEED GRAIN, WHEAT, AND COTTON PROGRAMS[1]

[Dollars in thousands]

| State | Feed grain | | Wheat | | Cotton | |
|---|---|---|---|---|---|---|
| | Payees, number | Amount | Payees, number | Amount | Payees, number | Amount |
| Alabama | 2 | $63 | | | 327 | $10,603 |
| Arizona | 36 | 1,537 | 2 | $156 | 572 | 36,111 |
| Arkansas | | | 1 | 47 | 772 | 27,877 |
| California | 74 | 4,899 | 45 | 1,543 | 991 | 66,179 |
| Colorado | 35 | 1,280 | 56 | 1,678 | | |
| Connecticut | | | | | | |
| Delaware | 1 | 26 | | | | |
| Florida | 2 | 49 | | | 6 | 158 |
| Georgia | 26 | 704 | 1 | 21 | 251 | 8,093 |
| Idaho | 1 | 33 | 106 | 3,204 | | |
| Illinois | 74 | 2,033 | | | | |
| Indiana | 53 | 1,620 | | | | |
| Iowa | 84 | 2,507 | 1 | 24 | | |
| Kansas | 52 | 1,427 | 72 | 1,918 | | |
| Kentucky | 7 | 193 | | | 1 | 20 |
| Louisiana | 1 | 27 | | | 396 | 13,498 |
| Maine | | | | | | |
| Maryland | 5 | 128 | | | | |
| Massachusetts | | | | | | |
| Michigan | 5 | 114 | | | | |
| Minnesota | 33 | 849 | 7 | 185 | | |
| Mississippi | 3 | 90 | | | 1,557 | 68,658 |
| Missouri | 65 | 2,006 | 1 | 21 | 88 | 2,536 |
| Montana | 1 | 32 | 194 | 5,991 | | |
| Nebraska | 119 | 3,434 | 17 | 442 | | |
| Nevada | | | 3 | $134 | 6 | $212 |
| New Hampshire | | | | | | |
| New Jersey | | | | | | |
| New Mexico | 74 | $2,286 | 62 | 2,033 | 98 | 3,040 |
| New York | 1 | 29 | | | | |
| North Carolina | 6 | 258 | | | 61 | 2,233 |
| North Dakota | 5 | 127 | 71 | 1,951 | | |
| Ohio | 12 | 357 | 1 | 21 | | |
| Oklahoma | 7 | 214 | 32 | 895 | 40 | 1,155 |
| Oregon | 1 | 47 | 55 | 1,619 | | |
| Pennsylvania | 7 | 209 | | | | |
| Rhode Island | | | | | | |
| South Carolina | 5 | 136 | | | 246 | 8,596 |
| South Dakota | 7 | 175 | 46 | 1,318 | | |
| Tennessee | | | | | 111 | 3,409 |
| Texas | 570 | 17,403 | 196 | 5,963 | 2,230 | 74,633 |
| Utah | | | 10 | 300 | | |
| Vermont | | | | | | |
| Virginia | 3 | 110 | | | | |
| Washington | 2 | 48 | 241 | 7,276 | | |
| West Virginia | | | | | | |
| Wisconsin | 16 | 484 | | | | |
| Wyoming | | | 3 | 105 | | |
| Total | 1,395 | 44,934 | 1,223 | 36,865 | 7,753 | 327,011 |

[1] Preliminary data.

PRODUCERS RECEIVING GOVERNMENT PAYMENTS OF $20,000 OR MORE AND DOLLAR AMOUNTS RECEIVED, 1967–70

| | 1967 | 1968 | 1969 | 1970 |
|---|---|---|---|---|
| Number of producers: | | | | |
| Cotton | 3,494 | 5,249 | 6,194 | 7,753 |
| Feed grain | 80 | 877 | 1,482 | 1,395 |
| Wheat | 542 | 741 | 1,123 | 1,223 |
| Total producers | 4,116 | 6,867 | 8,799 | 10,371 |
| Total payments received (million dollars) | (1) | $266.6 | $344.9 | $408.9 |

[1] Not available.

## PROVIDING USE OF THE FEDERAL TELECOMMUNICATIONS SYSTEM TO PATIENTS IN VA HOSPITALS

### HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. HASTINGS. Mr. Speaker, due to an increase in support for House Resolution 222, which I introduced on February 10, I am once again proposing this idea to the House.

The resolution provides for the use of the Federal Telecommunications System by patients in VA hospitals to call their families and loved ones, after the ordinary busines day.

I am pleased to say that 85 of my fellow colleagues have joined me in cosponsoring this proposal. Even more reassuring, is the fact that a significant number of members from the Veterans' Affairs Committee have shown their support for my bill.

Enactment of the Federal Telecommunications System resolution is only a small token of our gratitude for the sacrifices the servicemen in these hospitals have given for the preservation of our Nation and the future freedom of all Americans

## INDIANA'S "TIME TANGLE"

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following article which touches upon some aspects of the growing time tangle in Indiana:

IN INDIANA, TIME EXERTS A SPECIAL TYRANNY

(By George Vecsey)

VEVAY, IND., June 20.—When a popular resident of Switzerland County died last week, many people wanted to attend the funeral.

The problem was, half the people thought the funeral was 2 P.M. "fast time" and the other half thought the funeral was 2 P.M. "slow time." The result was a half-attended funeral.

This seems to happen all the time in Indiana, because time is a haphazard thing in this part of the country.

It is confusing enough that the border between the Eastern and Central time zones runs through the state. But when individual counties, and individual merchants, and anybody with a wrist watch can decide what time it is, the result is madness.

On these long summer evenings, time—whether "fast," (Daylight saving time) or "slow" (standard time)—is particularly noticeable.

Summer will arrive at 1:20 A.M. Tuesday—"fast time"—in Vevay, where it will stay light until 10 P.M. (because it is on the edge of the Eastern time zone. But a few miles to the west, in Maverick Jefferson County, it will get dark at 9 P.M.—"slow time," that is.

PLEA FOR UNIFORMITY

"I don't care what time they make it," said Capt. Clayton Arney, pilot of the side-wheeler ferry across the Ohio River. "I just wish they'd all be the same."

Technically, the entire state is on Eastern time except for six counties in the northwest and six counties in the southwest, which are on Central time.

But when daylight saving time begins in April, the farmers as well as theater and restaurant owners are unhappy about the long evening hours of daylight. So the Indiana Legislature passed a law last winter exempting the state from daylight time, whether Central or Eastern.

Normally, one could expect the calm, conservative people of Indiana to obey any law, but not this one.

Seven counties in southeastern Indiana, all in the Eastern time zone, are tied much closer to the economy of Louisville and Cincinnati, also in the Eastern zone, than to the main cities of Indiana. Both those cities switch to daylight time. So some merchants in these seven counties have decided—sometimes by vote, sometimes by individual

choice—to turn their clocks ahead in April anyway.

And in the state's 12 Central time zone counties in the west, the "official" time is Central standard because of the law exempting the state from daylight time. But the people observe Central daylight to avoid being an hour behind Chicago, which is in the Central zone, and most of the rest of Indiana. That is because most of the rest of Indiana is on Eastern standard, which is the same as Central daylight saving.

SCHIZOPHRENIA IN SOUTHEAST

That ought to be enough confusion for one state, but the schizophrenia is most prevalent in southeastern counties like Switzerland, which honors its Swiss settlers, who went there in 1813, with posters of French Switzerland in a drugstore window and by working its clocks overtime.

In Vevay's white stone courthouse, the official clocks and the state-supervised employes work on "slow time," even if the rest of the town is on "fast time."

"My husband works at the Rex Chain Belt Factory, which is on fast time," said Mrs. William Frazier, the county's deputy auditor. "He leaves at 5 A.M. by slow time. Then he's back by 3 P.M. while I'm still working. It does get pretty confusing—school kids on one time, their parents are on another."

Not all the southeastern counties agreed to disagree. Jefferson County, right in the middle of the southeastern tier, has several factories and some lovely hotels and restaurants—even one specializing in shrimp.

Jefferson decided to outslick its neighbors by staying on slow time with most of the state. Thus, Madison, the county seat, gets an extra hour of business from neighboring counties in Indiana and Kentucky, aided by the only Ohio River bridge for many miles.

A TIME FOR LUNCH

"We hurt ourselves by going on fast time," said Russell Pickett, president of the Vevay Deposit Bank. "The farmers in our county do their work, then they still have time to shop in Madison."

It even gets hectic in Vevay (prounced "Vee-vee"), where the Randall Factory schedules its lunch hour at 11 A.M. while the U.S. Shoe Factory had it at 12 noon, to avoid overburdening the town's luncheonettes.

But then Randall decided to observe "slow time," and the shoe factory observed "fast time," so the workers scrambled for their hamburgers together.

"We only had three girls at lunch hour," said Polly Smith, a waitress at the Vevay Package Store, a tidy luncheonette on Ferry Street. "It was really packed at noontime."

The confusion also reaches the ferryboat that crosses the Ohio from 7 A.M. to 8 P.M. "fast time." One of the last of the side-wheelers on the river, the Martha Graham (named for a former captain's wife, not the dancer) is a vital link between Vevay and Ghent (pronounced like the first syllable in "gentleman"), Ky.

"The Kentucky people don't have any problem," said Captain Arney. "They're officially on fast time. But sometimes we get people on the Indiana side after 8 P.M. They still think its 7 P.M."

Missing the last ferry from Vevay is not the worst thing in the world. The town is small, but quaint. Its painted-brick, river-view homes on Market Street rival the prettiest in Annapolis or Beacon Hill, Boston, neat in the finest Swiss tradition.

The town is quiet except for four days in August when it holds a Swiss Wine Festival, with cheese and entertainment, river cruises and a flea market.

There are some visitors from Switzerland, particularly their sister city, Vevey (nobody knows why the spelling is different). And the wine is always plentiful.

"Usually, when something is in your home town, you don't get that excited about it," said Mrs. Smith. "But we really enjoy the festival."

The festival will be from Aug. 12 to Aug. 15. The times of the specific events? Synchronize your watches, and then you are on your own.

## "WE ALL HAVE A LITTLE SMELL"

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. SHRIVER. Mr. Speaker, Ken Bruce, the fine editor of the Hillsboro, Kans., Star-Journal, has long been active in promoting the economic and environmental welfare of his fellow townspeople. His editorial of June 17 reflects this interest and the wisdom of balancing economic and environmental values for the long-range benefit of all. While certainly not endorsing a recent temporary incident of smell pollution involving a local industry, Mr. Bruce accurately points out that small towns depend heavily on such industries to stay alive. Hillsboro is an excellent example of a rural town which has actively and successfully pursued industry to counter the reduction of agricultural jobs, and the value of these industries will not be forgotten because of temporary inconveniences.

The editorial follows:

[From the Hillsboro (Kans.) Star-Journal, June 17, 1971]

WE ALL HAVE A LITTLE SMELL!

Hillsboro residents have been quick this week to smell out their thoughts about a pungent odor coming from the lagoon-type disposals one and a half miles north of Hillsboro.

One of Hillsboro's largest industries, Associated Milk Producers, Inc., has recently spent well over a half million dollars at its plant in Hillsboro to convert Kansas surplus milk into cheddar cheese. The plant has installed several new pieces of equipment, and like any of us who have installed new equipment has some "bugs" to eliminate.

It seems as though their whey drying machine was not functioning properly and some of the bi-product had to run to the disposal. According to the plant managers this upset the chemical reaction of this type of decomposable matter in the treatment lagoon, thus causing an unpleasant odor.

The odor has been present at the lagoon for two weeks, but not until a few days ago did a gentle north breeze and a few cloudy days bring it to the attention of residents. Those who know, tell us this type of a sewage treatment operation works best under sunny skies and more than a gentle breeze.

AMPI has eliminated its waste to the treatment plant and with the sun shining and a prevailing south breeze . . . Hillsboro citizens will be back to normal.

Hillsboro is proud of the ultra-modern dairy plant on the north edge of town where the best ice cream and cheese going is manufactured. We're so proud that we wish them only the best of luck in getting some of the mechanical problems "ironed out" . . . and realize everyone is entitled to a little smell on occasion.

## MEMORIAL TO SENATOR GEORGE MILLER, JR.

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. WALDIE. Mr. Speaker, today, during a board of supervisors meeting in Martinez, Calif., two development centers for the mentally handicapped in Contra Costa County will be renamed in memory of the late Senator George Miller, Jr.

Contra Costa County has done an outstanding job in providing health and education service to the mentally retarded of all ages and I am, therefore, inserting a series of articles which describe the exemplary work being done there, in the RECORD on this occasion.

The accomplishments of Senator Miller are of legendary stature in California; his reputation as the most able member of the California Legislature was amply justified; he was a kind, compassionate, and concerned man. Nowhere is that compassion, concern, and kindness best exemplified than in Senator Miller's long support of landmark legislation for mentally and physically handicapped people.

None have done as much—few will do as much for these people as has Senator Miller.

The designation in his memory of these two centers for the mentally handicapped is a most fitting memorial to a good man.

The material follows:

MEMORIAL TO SENATOR GEORGE MILLER, JR.—PART I

One of California's most outstanding legislators, the late Senator George Miller, Jr., of Alhambra Valley, has been honored by the Contra Costa Board of Supervisors with the renaming of two development centers for the mentally handicapped as memorials to his work in the fields of education and health.

Richmond's Hilltop Center has been named George Miller Jr. Memorial Center West and Concord's Seal Bluff facility George Miller Jr. Memorial Center East. Plans for dedication ceremonies are pending.

A countywide committee headed by Supervisors Alfred M. Dias of San Pablo and James P. Kenny of Richmond, chairman and vice chairman, respectively—committee membership includes the entire board—started its deliberations last January on the nature of one or more memorials to the veteran legislator who at the time of his death, January 1, 1969, at age 54, was one of the most powerful voices in state government.

Miller served two years in the Assembly and another 20 in the Senate, headed the Senate Finance Committee for several terms, authored a great deal of social legislation, including the Education Act of 1968—described as the Magna Carta of California Education—and was considered a likely Democratic candidate for governor.

It was an appropriation measure sponsored by Miller in 1962, supported in the lower house by Assemblyman John T. Knox and Jerome R. Waldie—the latter is now a Congressman—that made the development centers for the mentally handicapped possible in this county.

Built by the state at a cost of $500,000 each and turned over to the county as operational in December of 1968, the centers are unique in California and the nation.

The physical layout of the two seven-building complexes is the work of Dr. George Degnan, county medical director, who was largely responsible for their design as the result of studies he made of similar facilities throughout California and many other states.

More important, however, is the service concept behind the centers—a philosophical and practical approach shared by Dr. Degnan and Senator Miller, who were close friends of long standing. The centers not only provide a day treatment program for the multihandicapped and severely retarded of all ages, but they combine comprehensive health services with education within the same facility through the cooperative efforts of the county's mental health services and the County Department of Education.

There is nothing like them anywhere and they symbolize, in the words of Dr. Degnan, "everything Senator Miller stood for in the way of education and health services for all of our people."

Until Contra Costa County paved the way, the only answer to the problem of the mentally handicapped was to permanently confine them in a state hospital, there to vegetate out of sight and mind of almost everyone but their distraught parents.

At the Miller centers, this approach has been totally rejected in favor of a program that deals with these human beings with compassion and understanding. It takes a very special type of person, layman or professional, to work with the mentally handicapped, and these the centers have.

The work can also be very rewarding in even the small things that most people take for granted. The three-year-old, for example, who has just been taught to crawl or roll over on his back; the other child or young adult who has just learned the alphabet, to identify common objects, or to dress himself.

Senator Miller's interest in establishing the centers came about when he noted the success of "Operation Respite" which was inaugurated by Dr. Degnan at the County Medical Center in Martinez in 1962.

Operation Respite set aside a few county hospital beds for the temporary care of the physically and mentally handicapped during such emergencies as illness or death of family members, the separation of parents, and the medical need for temporary separation of parent and child.

The need for such respite was all too apparent—caring for a retarded child is a 24-hour a day responsibility which is often a traumatic experience for parents and one made more difficult by the fact that most parents must work at regular jobs in order to maintain their families. More often than not, the problem is compounded by normal siblings in the family whose welfare is as paramount and who do not understand.

One thing was learned early—that parents love their children, handicapped or not, they dread the placement of a disabled child in a state institution; and that parents themselves offer a tremendous resource for the care of their unfortunate youngsters.

"Provided that they receive the necessary medical, educational, and emotional support which can best be provided by such community-based facilities as the Miller centers," Dr. Degnan explained, "parents not only are able but are also motivated by a strong psychological need to keep and care for their child at home.

"Placement in a state hospital is rarely an easy solution; the child is not forgotten, and the parents often suffer from a secondary emotional process described as chronic sorrow.

"Our experience has demonstrated that parents wish to play an active role in the handling and training of their children. They generally ask only for something definitive to do, and for realistic guidelines and expectations.

"Results at the Miller centers have clearly shown that even severely mentally retarded and neurologically handicapped children are capable of significant learning and can benefit from training.

"The time has come to dispel the general pervasive feeling of pessimism in the area of the profoundly retarded."

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MEMORIAL TO SENATOR GEORGE MILLER, JR.—PART II

The Miller Centers for the Mentally Handicapped in Concord and Richmond, renamed by the Contra Costa Board of Supervisors as memorials to the late Senator George Miller Jr., a humanist as well as a practical politician who was bastions of hope for that unfortunate segment of our population which until only recently could look forward to nothing more than a life of despair—likely as not lived out strapped to a cot in some darkened cubicle of a state mental institution.

The Miller centers are not institutions and they do not have the appearance of institutions. They consist of long, low buildings, almost residential in appearance with their mansard roofs and warm wood exteriors.

The rooms are spacious, the colors cheerful, the windows wide to sunlight and vistas of grassy courtyards and neatly manicured shrubbery.

The facilities and grounds are an architectural triumph, achieving a spiritual openness and an atmosphere of quiet and relaxation that serves to emphasize the centers as places of shelter, protection, help, and hope.

Inside, the big ingredient is love. It shows in the patience of the teachers, the concerned competency of the professional staff, the interest of the many volunteer workers.

Many of the youngsters and adults being treated at these centers have serious problems, of course, but the majority of these problems are not unsurmountable and the staff people do not view them as such.

"We find that even the most severely retarded children are sensitive to an emotionally warm and accepting environment," one staff member said. "And when these children and adults are exposed to the proper environmental and sensory stimulation and are able to experience, for the first time, repeated mastery in very simple tasks, they gradually attain a special kind of motivated state.

"To witness this often dramatic change in a previously withdrawn, profoundly retarded individual is an exciting experience."

Indeed it is, and the primary goal of the centers, as evolved by Dr. Degnan and Dr. Floyd Marchus, county superintendent of schools, is to help the mentally retarded individual to develop to the limit of his capabilities and to become a needed and self-sustaining member of his family and his community.

The centers, in fact, are a meld of the medical and educational professions, a combination of resources dedicated to advancing the cause of help for the handicapped—and that is what makes them different.

The two centers have a total capacity of 152 enrollees, with the Concord facility currently having 11 babies in its nursery, 30 youngsters ranging from three to 20 years of age, and 35 adults. The population of Miller Center West is about the same.

The centers, furthermore, are open to all mentally handicapped. Parents may call, or referrals may be made by pediatricians, family doctors, or public health nurses.

"The younger we can get them, the fewer problems they will have as adults," according to Robert M. Shook, who divides his time between the centers as program coordinator.

A patient of whatever age starts with a complete medical examination and diagnostic workup which pinpoints specific problems and allows for a training program tailored to the individual.

A team approach provides the services of a psychiatrist, psychologist, medical consultant, educational consultant, a social worker, a complete therapy staff, and a number of other specialists and consultants, including a pediatric opthalmologist, a speech and hearing therapist, a neurologist, and a pediatrician.

Each nursery is staffed by a registered nurse, a licensed vocational nurse, a hospital attendant, and a number of volunteer aides. The classrooms—each center has three—are staffed by three teachers certified in special education, six aides, and numerous volunteers.

Since these are day care centers, the babies, youngsters, and adults are returned to their homes by mid-afternoon and it is in this area of home care that parent counseling becomes important. The parents themselves usually meet once a week at the centers to discuss mutual problems and exchange ideas.

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MEMORIAL TO SENATOR GEORGE MILLER, JR.—PART III

There are more than 200 different types of mental retardation—it can happen in any family and its effects, financially and psychologically, can be devastating.

The Miller Centers for the Mentally Handicapped in Richmond and Concord, renamed by the Contra Costa Board of Supervisors as memorials to the late Senator George Miller Jr., of Alhambra Valley, the man who was responsible for their initial financing, have seen just about all types. Which brings up a point:

A lot of people have forgotten the German measles (Rubella) epidemic that swept the nation in 1964–65 (another is predicted for the early 70's), but Dr. A. W. Guidon, medical consultant to the California State Department of Education, has not.

The epidemic involved approximately 38,000 California mothers, and on the basis of estimates—Rubella was not a reportable disease in California prior to 1966—15,200 infants were born to these women, of which 16 percent had one or more deformities (one study holds that mental retardation occurs in 33 percent of all Rubella children).

Six states now require Rubella vaccination of all school children under the age of 10 years, and five other states have similar legislation pending. California is not among any of the 11.

It is these handicapped children—more than 1,400 of them crippled by only one disease, German measles, that California schools must prepare to train and educate over periods ranging from 12 to 15 years.

Dr. Guidon, addressing a workshop sponsored by the County Schools Department and Bay Administrators of Special Education at Diablo Valley College, observed that only Contra Costa County's Miller centers were properly structured and geared to successfully handle its proportionate share of such children.

This is so because the Miller centers, unlike any other in the nation, are operated cooperatively by the County Schools Department and the County Community Mental Health Services and thus provide education and medical attention at one and the same time.

Based locally, the centers keep families together and, in most instances, return their charges fit for social survival in their own homes and communities.

Trained in such activities of daily living as sweeping, picking up after themselves, sewing, and preparing simple meals, they can help themselves and others. Most return to their homes; some are placed in state-licensed foster homes; perhaps four or five will live with a caretaker in a co-op home. As

they move out into the mainstream of life, they make room for others at the centers.

The adults at the centers lead busy lives. They take field trips to zoos, shopping centers, and parks, have picnics, and go swimming and bowling. They are also trained to take jobs in workshops operated by the Contra Costa Association for Retarded Children in Richmond, Walnut Creek, and Pittsburg.

At the centers they write and mimeograph their own newspapers, work in their own vegetable gardens, go shopping, cook, and do office work. Recently, several at Miller Memorial Center East sold some of their works at an art show in Oakland.

In addition to their day treatment services, the centers also have out-patient diagnostic planning teams capable of handling 100 to 200 patients a year, out-patient therapy services, and consultation services.

Since they are unique, Thursday is tour day at the centers and each is usually visited by 50 to 60 persons on these open house days, most of them professional people and students.

Heading the centers as medical chief is Dr. Ernest Pecci, a child psychiatrist who trained at the Langley Porter Neuropsychiatric Institute and Mt. Zion Hospital in San Francisco. He is a graduate fellow of the Center for Training in Community Psychiatry at the University of California, Berkeley, and has had broad experience as a consultant to public school systems in San Mateo County and the East Bay.

Ninety percent of the cost of operating the centers is covered under California's Short-Doyle Act, the remainder by the county.

## SOCIAL SECURITY/MEDICARE IMPROVEMENTS

## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. BINGHAM. Mr. Speaker, today I introduced a bill to amend the Social Security Act to provide increases in benefits, to provide additional coverage under medicare, and for other purposes. I discussed this bill at length today during the debate on H.R. 1, the Social Security Amendments of 1971. At this time, I include in the RECORD a section-by-section analysis of this bill and a comparison of this bill with the relevant features of H.R. 1:

SECTION-BY-SECTION ANALYSIS OF H.R. 9300

TITLE I

Sec. 101—Provides a 20 percent general benefit increase and increases the minimum Primary Insurance Amount to $120 a month, effective for January 1972.

Sec. 102—Provides for automatic cost-of-living increases in social security benefits whenever the Consumer Price Index rises by at least 3 percent. The rise in the Consumer Price Index would be measured from the third calendar quarter of a year to the third calendar quarter of the following year. If the Consumer Price Index had risen by at least 3 percent, benefits for the following January and later would be increased by a percentage equal to the percentage rise in the Index. The cost-of-living increase would not apply to the special minimum benefit provided by Sec. 103 of the bill. The first cost-of-living increase possible would be for January 1972.

In addition, the social security tax base would be increased automatically, starting 1974, in each even numbered year in direct proportion to the rise in average wages taxed for social security purposes.

Sec. 103—Provides a special Primary Insurance Amount, as an alternative to the regular computation, equal to $8 multiplied by the number of years up to 25 that a person has worked under social security and had covered earnings equal to the amounts specified. In general, the amount of earnings needed in a year would be equal to 10 percent of the social security tax base in effect for that year.

Sec. 104—Increases the social security tax and benefit base to $15,000 a year, effective January 1972.

Sec. 105—Increases the exempt amount under the social security earnings test to $2,000 a year ($166.66⅔ a month) effective for taxable years ending after the date of enactment.

Also provides for automatic increases in the exempt amount, starting January 1973 and each odd-numbered year thereafter, in direct proportion to the rise in average wages taxed for social security purposes.

Sec. 106—Increases the lump-sum death payment to the smaller of 4 times the Primary Insurance Amount or 150 percent of the maximum Primary Insurance Amount shown in the benefit table in effect at the time the worker died.

Sec. 107—Increases widow's (and widower's) social security benefits to the full amount of the deceased workers old-age benefit if benefits begin at age 65. When benefits begin before age 65 they would be reduced to take account of the longer period over which the benefits are paid.

Benefits for disabled widows (and widowers) would be payable without regard to age (rather than after age 50).

The section also increases benefits by decreasing the factors which determine the amount by which a benefit is reduced when the benefit begins before age 65.

Sec. 108—Provides for paying widow's or widower's social security benefits as early as age 50 if:

(1) the widow (or widower) was age 50 or over at the time the worker died, and

(2) the worker was entitled to old-age or disability benefits at the time of his death.

Sec. 109—Eliminates the actuarial reduction of a woman's old-age benefit (based on her own earnings) which applies when benefits begin before age 65 in the case of a woman who has had at least 30 years (120 quarters) of work under social security.

Sec. 110—Provides for the payment of benefits based on the combined earnings of a husband and wife (when both have worked long enough to qualify for benefits) in cases where a higher total payment than is payable under present law would result.

Sec. 111—Provides for increasing benefits which begin after age 65 by an amount that will provide on the average for the same total lifetime payments as would have been paid had benefits started at age 65.

Sec. 112—Provides for computing a man's old-age benefit under the same rules that now apply to women. As a result, a man's benefit would be based on the year in which he attained age 62 rather than 65.

The provision would apply to people on the benefit rolls at the time of enactment as well as to those who come on the rolls in the future.

Sec. 113—Amends the definition of disability so that disability benefits would be payable starting after the third month of disability and without regard to the expected duration of the disability.

In addition, a special definition of disability would be provided for workers who are age 55 or over. Under this definition, benefits would be payable if the disability was one that prevented the person from doing his regular work or some other type of work which he had done at some time in the past.

Sec. 114—Provides for the payment of disability insurance benefits to blind people who have at least 6 quarters of work under the social security program.

Sec. 115—Provides for a $300 a quarter non-contributory wage credit for service in the Armed Services after 1956 and before 1968. Present law provides for credits for service before 1957 and after 1967.

Sec. 116—Provides monthly benefits, similar to mother's benefits, to widowers who have children entitled to children's benefits.

Sec. 117—Provides for paying monthly benefits to the dependent parent, age 62 or over, of a retired or disabled worker.

Sec. 118—Provides for paying child's benefits to a child who is a full-time student up to the time the child reaches age 24, rather than age 22.

Sec. 119—Provides for the payment of childhood disability benefits to a child who is disabled after reaching age 18 and before reaching age 22.

Sec. 120—Provides for the payment of benefits to divorced wives and surviving divorced wives who had been married to the worker for at least 10 years, rather than for 20 years as in present law.

Sec. 121—Eliminates the requirement a husband must have been receiving at least one-half of his support from his wife in order to qualify for husband's benefits.

Sec. 122—Eliminates the requirement that a widower must have been receiving at least one-half of his support from his deceased wife in order to qualify for widower's benefits.

Sec. 123—Provides that marriage or remarriage after a person's 62'd birthday will not be a reason for terminating benefits.

Sec. 124—Revises social security tax schedule. (Revised amounts not shown in draft.)

Sec. 125—Provides for payments from general revenues to the social security trust funds. The payments would start at 5 percent of the social security taxes collected for fiscal year 1972 and rise by 5 percent each year until the payment reaches 50 percent of the taxes collected for fiscal 1981 and thereafter.

TITLE II

Sec. 201—Provides that people entitled to cash benefits would become automatically entitled to supplementary medical insurance benefits and that the cost of these benefits would be paid out of social security taxes, rather than from premiums collected from beneficiaries and the Federal Government.

Sec. 202—Provides medicare for people entitle to social security cash benefits on the basis of a disability.

Sec. 203—Extends the coverage of the supplementary medical insurance program to include dental services (except for cleaning teeth), the cost of prescription eyeglasses, orthopedic shoes and braces, and the services of an optometrist.

Sec. 204—Provides for the payment of prescription drugs purchased by a medicare beneficiary. Payment would be limited to the maximum amount listed in a Formulary to be established under guidelines in the bill. The medicare beneficiary would pay $1 of the cost of each prescription and this amount would rise in proportion to rises in the future cost of prescription drugs.

TITLE III

Sec. 301—Increases the authorization for appropriations for maternal and child health and crippled childrens services from $350 million to $630 million a year.

In addition, it postpones from July 1972 to July 1977 the date by which State programs will have to offer certain specified services if they are to qualify for Federal grants and extends from June 30, 1972 to June 30, 1977 the authority to make special project grants to the States for maternity and infant care, health of school and preschool children, and dental health of children.

COMPARISON OF PRINCIPAL PROVISIONS OF H.R. 9300 AND H.R. 1—AS REPORTED

| H.R. 9300 | H.R. 1 |
|---|---|
| Increases social security benefits by 20% effective for January 1972. Minimum benefit increased to $120 a month. | Increases social security benefits by 5% effective for June 1972. Minimum benefit increased to $74 a month. |
| Annual automatic cost-of-living increases in benefits whenever cost of living rises by at least 3%. | Similar, except that increase would not go into effect if social security benefits increased by specific legislation in year before. |
| Increases social security tax base to $15,000 a year, starting 1972, with automatic increase every second year thereafter in proportion to rises in average wage taxed for social security purposes. | Increases social security tax base to $10,000 starting 1972, with automatic increases only when there is an automatic cost-of-living benefit increase. |
| Special minimum benefit equal to $8 times years of coverage. | Special minimum benefit equal to $5 times years of coverage. |
| Increases exempt amount under retirement test to $2,000 a year with automatic increases in 1973 and each odd numbered year thereafter. Automatic increase to be in proportion to rise in average wage taxed for social security purposes. | Similar, except that automatic increase in exempt amount goes into effect only when there is an automatic cost-of-living benefit increase. |
| Increase lump-sum death payment to smaller of 4 times monthly benefit or 1½ times maximum monthly benefit. | No provision. |
| Widow's benefits increased to full amount husband would have been paid at age 65. | Similar. |
| Disabled widow's benefits payable before age 50. | No provision. |
| Widow's benefits payable at age 50 if husband dies while receiving benefits and widow is 50 at time of his death. | No provision. |
| Eliminates actuarial reduction of old-age benefit based on a woman's earnings if woman has worked for at least 10 years. | No provision. |
| Benefits for a married couple could be based on their combined earnings. | Similar, except limited to couples who are married for at least 20 years and who reach 62 after 1971. |
| Increases benefits which begin after age 65 so that the lifetime total payment will be equal to the amount that would have been paid starting at age 65. | Increases old-age benefits only by 1 percent for each year after 65 that benefits are not paid. |
| Provides for men the age-62 computation point that now applies to women only. | Similar, except that provision to apply only to future beneficiaries and to be phased in over a 3-year period. |
| Disability benefits payable after third month of disability and without regard to expected duration of disability. | Disability benefits payable after fifth month of disability and present duration-of-disability requirements not changed. |
| **H.R. 9300** | **H.R. 1** |
| Special definition of disability for people 55 and over allows benefits to be paid to people who are unable to do their regular work. | No provision. |
| Disability benefits payable to blind people who have at least 6 quarters of work under social security rather than in one quarter of the time from 1950 (or age 22) up to the time they became disabled. | Disability benefits payable to blind people without regard to the general requirement that a disabled person must have worked in 5 out of the last 10 years. |
| Benefits for widowers who have children entitled to benefits. | No provision. |
| Benefits for dependent parents of retired or disabled workers. | No provision. |
| Benefits for full-time students up to age 24, rather than age 22. | No provision. |
| Childhood disability benefits for child disabled after age 18 and before 22. | Similar. |
| Reduces from 20 to 10 years the duration-of-marriage requirement for divorced wives and surviving divorced widow's benefits. | No provision. |
| Eliminates one-half support requirement for husband's and widower's benefits. | No provision. |
| Provides for payments from general revenues to social security trust funds. | No provision. |
| Provides that the supplementary medical part of medicare will be paid out of social security taxes, rather than by a monthly premium paid by the beneficiary. | No provision. |
| Provides for the payment of prescription drugs under medicare. | No provision. |
| Provides for the payment of dental services, prescription eyeglasses, orthopedic shoes and braces, and the services of optometrists under medicare. | No provision. |
| Increases appropriation authorized for Maternal and child health and crippled children's services, postpones until 1977 the requirement that States offer specified services and extends to 1977 the authorizations for special project grants. | No provision. |

## THIRD ANNUAL SCHOLARSHIP TRIP

### HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. MANN. Mr. Speaker, this week I have had the honor to host the third annual scholarship trip to Washington from the Fourth Congressional District of South Carolina. Commenced in 1969 with the aid of local businesses service organizations, and civic clubs, these scholarships have made it possible for altogether 42 rising high school seniors to spend a few days seeing their Nation's Capital and, more importantly, viewing the functioning of their Government.

The sponsoring organizations back in the Fourth Congressional District of South Carolina have readily grasped the need for exposing our young people to the realities and ferments of government in action. They are contributing to the development of an enlightened and informed citizenry, better able to evaluate and appraise the way in which their government actually works. Thus, I would like to hail them for their distinguished service on behalf of not only those whom they have sent here this week, but of America's future greatness and promise, as personified in its youth. This year's scholarship students and their sponsors are:

Jamie Broome, Cowpens High School, sponsored by the Monterray Corporation; Keith Cannon, Blue Ridge High School, sponsored by Her Majesty Industries; Donna Chatman, Southside High School, sponsored by the James F. Daniel, Jr. American Legion Post No. 3; Art Echerd, J. L. Mann High School, sponsored by the Greenville Exchange Club; Clyde Fowler, James F. Byrnes High School, sponsored by the Kiwanis Club of Greer and the Greer Exchange Club; Charles Gwinn, Laurens High School, sponsored by the Laurens Exchange Club; Doug Hughes, Dorman High School, sponsored by the Hillcrest Optimist Club; Rickey Hammett, Chesnee High School, sponsored by the Pierce Tractor Co.; Buddy Parton, Spartanburg High School, sponsored by the Hillcrest Optimist Club; Eddie Shirley, Greer High School, sponsored by the Greer Chamber of Commerce; Knox White, Greenville High School, sponsored by the Greenville Exchange Club; and Sally Williams, Pacolet High School, sponsored by the Pacolet Lions Club.

Since their Sunday arrival, the students have attended church services at the National Cathedral, have gone on a Mount Vernon boat cruise, have toured the Washington, Jefferson and Lincoln Memorials, have visited the Smithsonian Institution, the FBI, the National Gallery of Art. Today, they toured the White House, visited the Supreme Court and the Library of Congress, and met with our distinguished Speaker, CARL ALBERT, as well as with their two equally distinguished Senators, STROM THURMOND and FRITZ HOLLINGS. Tomorrow, their itiner-

ary will be highlighted by a foreign policy briefing at the State Department, a tour of the French Embassy, and a pilgrimage to Arlington Cemetery.

Hopefully, these young people will return to their home communities with a better understanding of the American system of government. Hopefully, they will be better equipped to evaluate the myriad proposals for change that will undoubtedly always be generated by our discontent as each of us pursues his concept of the American dream. Hopefully, they will recognize that the American system is designed to permit change, rational and deliberate change, based upon a national consensus and not upon the emotion of the moment. If they see through such glasses less darkly, then the nation will be better for their visit here.

## THE THREAT—MID-1971

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. SCHMITZ. Mr. Speaker, the following unclassified intelligence briefing was recently presented by the Deputy Chief of Staff, Intelligence, U.S. Air Force, Brig. Gen. H. N. Cordes. General Cordes highlights significant aspects of the growing Soviet strategic offensive and defensive forces and dwells briefly on the emerging Red Chinese nuclear threat.

General Cordes covers both the Soviet strategic offensive and strategic defensive weapons system because they complement one another. If we recall that Soviet first-strike capability is defined as being able to lower the U.S. retaliatory capability below some acceptable threshold through a combination of offensive—counterforce—and defensive—ballistic missile and air defense—forces, the importance of including strategic defensive forces in any threat assessment becomes clear.

The Deputy Chief of Staff for Intelligence, U.S. Air Force, points out that the Soviets have increased their ICBM forces by a factor of five in the last 4 years while the U.S. ICBM force has remained level for the last 5 years. The current force relationship is over 1,440 ICBM's for the Soviet Union and 1,054 ICBM's for the United States. The Soviets now have almost 50 percent more of these weapons than does the United States. In view of this fact it is rather ironic to recall a prediction made by former Secretary of Defense Robert McNamara in 1965 that the Soviet leaders, "have decided that they have lost the quantitative race, and they are not seeking to engage us in that contest."

Based on the Soviets' level of activity in recent years in the field of ICBM construction the general estimates that they could have a force of well over 2,000 hardened ICBM's by 1975. He also points out that, "by the mid-1970's, the Soviets could have as many as 2,000 ABM launchers." This would be a very formidable array of forces indeed. Decisions we make today will determine the strategic forces we have on hand in 1975 to cope with this projected threat. It will be too late in 1974 or 1973 to begin thinking and acting to cope with this type of a threat. If we do not do it now we will simply not have it.

It might be mentioned that weapons still on the drawing board or undergoing excessively protracted discussion, debate, and study are not going to deter anyone of anything. Due to the nature of the ICBM nuclear rocket weapon, which essentially nullifies any difference between the front and the rear, in any possible future central nuclear conflict there will be no time to mobilize after the battle is joined. In days past a secure rear meant the ability to mobilize resources after the onset of the battle. With the elimination of a secure rear due to the capabilities inherent in the nuclear rocket weapon mobilization procedures are limited to the time prior to the onset of hostilities. The entire war must be fought with the material on hand and in fighting condition at the very beginning of the war.

It is well to remember that the probability of central nuclear war draws closer, not as a result of some mythical "arms race"—which does not even exist except in the minds of those who generally oppose all U.S. strategic preparatory measures, but as a direct result of the United States failing to maintain its strategic forces at a level which will unquestionably deny the Soviet Union the ability to achieve its ends using thermonuclear means. The probability of nuclear war increases in direct proportion to the Soviet Unions capability to win such a war.

There are many other interesting facets of Soviet strategic strength brought out by General Cordes. For example, the Soviet medium bomber force of 700 Blinder and Badger aircraft are a potential threat to the United States if deployed at northern staging areas in the U.S.S.R.

The Soviets are currently spending at least twice as much as the United States for air defenses which are qualitatively equal to those of the United States and quantitatively far superior. With a land area not quite three times that of the United States the Soviets have from five to 20 times as many radars, surface-to-air missiles, and interceptors as we do.

General Cordes quotes Dr. John S. Foster, Director of Defense Research and Engineering, to the effect that—

> The Soviet Union is now about to seize world technological leadership from the United States.

One example of this technological leadership was recently brought forth by Admirals Zumwalt and Rickover when they testified to the fact that the Soviets are well ahead of the United States in electronic warfare capabilities relating to naval surface craft.

The general summarizes the growing Soviet strategic threat in the following manner:

> It is clear that the Soviet threat is growing. They are still deploying at least three types of ICBM's, and follow-on system improvements are underway. Our advantage in sea based ballistic missiles is rapidly diminishing, and testing is underway of a new missile which would double the range of the missile carried by the Yankee subs (Soviet). They are continuing to produce bomber and fighter aircraft, and are flying a new bomber. Although already superior in all aspects of defense, the Soviets are deploying more and better surface to air missiles and improving anti-submarine and ballistic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding R&D programs and provide options for the future.

The following unclassified briefing on the Soviet threat is highly recommended to all concerned with the why of U.S. defense. It is exceedingly clear, easy to read, and treats each Soviet strategic system in a brief but understandable fashion which makes for easy future reference.

It should be borne in mind that if the United States fails to meet the challenge posed by the enormous increases in Soviet strategic power, to quote from the recent special supplemental report of the Presidentially appointed Blue Ribbon Defense Panel:

> It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

We have a clear choice. We can either meet our responsibilities and take those measures which are necessary for the United States to maintain the relative strategic power necessary to assure our ability to determine our own destiny as a free people, or we can continue to neglect our responsibilities and allow the destiny of the American people to pass into the hands of the leaders of the Soviet Union.

The briefing by Brig. Gen. H. N. Cordes, Deputy Chief of Staff, Intelligence, U.S. Air Force, follows:

BRIEFING BY BRIG. GEN. H. N. CORDES

SOVIET-CHICOM STRATEGIC THREAT

This subject, "The Soviet and Chinese Communist Threat," is one of real concern to all of us. During the past five years, the fine balance of strategic power has shifted in favor of the Soviet Union. Admiral Thomas Moorer, chairman of the Joint Chiefs of Staff, disclosed recently "that within the next five or six years, we could actually find ourselves in a position of overall strategic inferiority." This presentation will highlight the most significant aspects of the growing Soviet strategic offensive and defensive forces, and the emerging Chinese Communist threat. In our judgment, no discussion of Soviet strategic capabilities would be complete without some mention of the developing Chinese Communist threat. Therefore, we have taken the liberty of including a brief look at the Chicom strategic threat.

THREAT TOPICS

Three major elements of the Soviet strategic threat will be discussed: Strategic offensive forces, strategic defensive forces and research and development. We have included defensive forces under the general topic of strategic capabilities, since defenses also play a vital role in our planning and in the strategic balance of power. We conclude with a review of the Chinese strategic threat.

ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. In only four years, the Soviets have increased their ICBM force by a factor of five. The result is an ICBM force of more than 1440 launchers, compared with our fixed ICBM force of 1054 launchers, a U.S. force that peaked out at this level over five years ago. Perhaps you have heard of the

apparent slowdown in the deployment of the Soviet's SS–9 launch system. This development has now been offset by the recent revelation that the USSR is constructing new missile silos. Secretary of Defense Melvin Laird, in this regard, stated "there is evidence of construction of a large missile system" and that "it is difficult at this time to say whether it is a modified version of the SS–9 or a new ICBM system."

SS–7 AND SS–8

Since initial deployment in the early 1960's, the Soviets have developed a number of ballistic missile systems. Two of the earlier systems, the liquid fueled SS–7 and SS–8, were deployed in only limited numbers. However, their retention in the ICBM inventory emphasizes the Soviet propensity to hold onto older, proven systems, even as new systems are deployed.

SS–11

The SS–11 is one of three ICBM systems still being actively deployed. It is deployed in larger numbers today than any other Soviet system, in excess of 900 launchers part of which are associated with MR/IRBM fields. Flight testing of modifications to the SS–11 commenced in 1969 and has included tests of a new reentry vehicle with penetration aids and multiple reentry vehicles as likely possibilities. Last August, Secretary Laird revealed that two extended range tests of this system, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles. In 1968 deployment of SS–11S at MR/IRBM complexes in the Western USSR was begun. These missiles with variable range capabilities could be targeted on both U.S. and the NATO area of Western Europe.

SS–13

The SS–13, Savage, is the Soviet's first operational solid propellant ICBM. Deployment thus far has been limited, and we are uncertain about SS–13 force goals. Again, as with the SS–11, an active test program continues for this system.

Today, the combined SS–11 and SS–13 force accounts for more than 1000 launchers.

SS–9

Last, but by no means least, of the ICBM systems currently being deployed is the powerful SS–9 system.

The SS–9 is the largest and most versatile missile in the Soviet ICBM inventory. Silos for about 300 of these large, liquid fueled systems are completed or under construction. The missile is capable of a variety of strategic roles. As an ICBM, the SS–9 is capable of delivering a single 25 megaton warhead, or combinations of smaller megaton range multiple warheads.

Multiple reentry vehicle tests, using the SS–9 booster, were initiated in 1968. As already tested, the system can carry three 5 megaton warheads to a range of over 5000 NM.

Another variant of the SS–9 has been tested as a fractional orbit bombardment system, or FOBS.

The actual extent of diversification in the operational deployment of the SS–9 system cannot be determined. However, it can be said with assurance that this large payload missile, with its proven versatility, provides a variety of options for deployment or employment.

ICBM GROWTH

The Soviets have already surpassed the U.S. in numbers of land-launched ICBM's and deployment is continuing. Of even more significance is the advantage held in total payload and the current emphasis on multiple reentry vehicle testing. Significantly, last year's research and development testing of ICBM's by the Soviets showed the greatest activity since the beginning of their ICBM program. Although we are uncertain of their future force goals, based on the level of activity in recent years, the Soviets could achieve a force of well over 2,000 hardened ICBM's by 1975.

MR–IRBM FORCE

The Soviets have also deployed over 650 liquid fueled medium and intermediate range missile launchers. These launchers, designated the SS–4 and SS–5, are mainly deployed along the western USSR border.

The MR/IRBM force has remained fairly constant over the past 10 years. However, indications are that it may be replaced by a solid fueled mobile system, such as the Scamp.

While not a direct threat to the United States, the MR/IRBM force, including refire capability, represents a threat of over 1,000 missiles to our overseas forces and bases, as well as to our allies.

SLBM FORCE

Turning now to Soviet sea launched ballistic missile capabilities, a situation exists similar to the ICBM growth. In less than five years, this threat has tripled.

OLDER SUBMARINES

The first ballistic missile carrying sub, the Z-class, was operational in the mid-1950's. This was followed by the G-golf and the H-Hotel class. The hotel class was the Soviet's first nuclear powered ballistic missile submarine. The missiles associated with these three-tube submarines have ranges on the order of 500 nm.

YANKEE-CLASS

By far the most significant factor in the expanding sea launched ballistic missile threat has been the development of the Yankee class nuclear powered ballistic missile submarine. Like our Polaris subs, the Yankee carries 16 missiles each, with a range of about 1300 nm. At least 17 of the Y-class boats are considered to be operational. However, we believe at least another 15 are presently being outfitted or under construction at two separate facilities, and the build rate is about seven to eight per year.

In addition, testing is underway on a new, longer range missile that could double the present strike range. This new naval missile may be the Sawfly which was first displayed in a 1967 Moscow parade.

SLBM GROWTH

Today, the United States still has the advantage in numbers of sea launched ballistic missiles but the Soviets are rapidly closing the gap. With an estimated construction rate of 7–8 Yankee subs per year, the Soviets could at least equal our Polaris and Poseidon force within the next few years.

BOMBER FORCE

Turning now to Soviet bombers, the maintenance of a long range aviation force of about 900 bombers since 1965 is evidence of their continuing importance as part of the Soviet strategic arm.

HEAVY BOMBERS

The heavy bomber force, composed of Bears and Bisons, is being maintained at about 195 aircraft, of which 50 Bisons are normally configured as tankers.

Although the U.S. stopped heavy bomber production about 7 years ago, the Soviets only recently discontinued production of the Bear, a turboprop bomber.

A significant portion of this force can carry air to surface missiles and be refueled in flight.

MEDIUM BOMBERS

The Soviet medium bomber force, consisting of Blinders and Badgers, totals about 700 aircraft. The Badger was first introduced in 1953 and some of these aircraft have been revitalized by the addition of air to surface missiles.

A limited production continues on the Blinder. This is a swept wing, supersonic medium bomber, powered by two turbojet engines. If deployed at northern U.S.S.R. staging bases, the medium bombers could be a potential threat to the United States.

FUTURE BOMBER

While older systems are continually updated with modifications, the Soviets continue to develop newer and improved aircraft.

The Soviet supersonic transport has been flying for 2 years. While we know of no direct military application, the SST could provide valuable engineering data for a follow-on strategic bomber.

In fact, a new prototype strategic bomber is now flying in the Soviet Union. It is believed to be a variable sweep wing, supersonic aircraft, with improved range over the Badger and Blinder.

BOMBER STRENGTH

The long range bomber force has remained fairly constant during the past 6 years after the allocation of about 400 aircraft to its naval arm in the early 60's. They continue to maintain this large strategic bomber force, despite predictions that it would be phased down. Recall Mr. Khrushchev's famous remark in 1957: "Bombers are obsolete. You might as well throw them on the fire."

AIR DEFENSE FORCE

A full appreciation of the growing Soviet threat requires an examination of defensive as well as offensive strategic forces. Today, the Soviet Union literally bristles with defensive systems ranging from anti-aircraft artillery to anti-missile missiles.

They probably spend at least twice as much as the United States for defense. They are, qualitatively speaking, equal, and in terms of in-being, operational forces, quantitatively greater than the U.S.

By way of illustration, with a land area not quite three times that of the U.S., they have from five to 20 times as many radars, surface to air missiles, and interceptors.

Probably more important, however, is their continuing program to improve air and missile defenses across the board, coupled with significant progress in anti-submarine warfare.

RADARS

An important aspect of Soviet air defenses is the network of radars, numbering in the thousands, which provide complete warning and interceptor control throughout the USSR. These radars, which span the full usable frequency spectrum, incorporate all the latest advancements in electronic counter-countermeasure technology. In addition, they have recently embarked upon an extensive program to improve their ability to detect low flying bombers using land, sea, and air based radars.

AWACS

A new airborne radar is mounted on the Moss, which was developed from the TU–114 transport version of the Bear bomber. This airborne warning and control system, AWACS, can extend Soviet detection of penetrating bombers by about two hundred miles, and even without advanced techniques, could detect low altitude aircraft against the background of a calm sea.

FIDDLER

The Soviets maintain an impressive force of more than 3,000 fighter interceptors. Most, including the older MIG–17, –19 and –21, have a good all-weather capability. To keep this force modern, the Soviets have introduced a new fighter aircraft on an average of one per year.

An example is the Fiddler, a large, long range interceptor which became operational about five years ago. If used in conjunction with the AWACS, it could provide a patrol capability well beyond Soviet borders.

FLAGON

The Flagon is a small, fast point defense interceptor which has been in service about two and a half years.

THE FOXBAT

The Foxbat is a relatively large aircraft capable of speeds in the mach 3 region. When

introduced over five years ago, the Foxbat claimed three world speed records, as well as altitude and payload records. Today, this aircraft officially holds two world speed records over a closed circuit course. This aircraft was recently deployed as an interceptor and may enter the tactical aviation inventory this year. If employed as a tactical aircraft, it is believed that the Foxbat will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

SAMS

Besides innumerable AAA weapons ranging up to 130 mm, there are on the order of 10,000 surface to air missile launchers in the Soviet Union in both fixed and mobile configurations. Their oldest operational system, the SA–1, is still deployed around Moscow.

The SA–2 is the mainstay of SAM defenses in the Soviet Union and pro-Soviet nations, including Cuba, NVN, and the UAR. The good high altitude capability of the fixed SA–2 system is complemented by the SA–3 system which has better low altitude capabilities. The SA–2 and SA–3 have figured prominently in the mid-East.

The SA–4 and SA–6 are track mounted, mobile systems, ideally suited for defense of army field units. The SA–6 was first observed in the November 1967 Moscow parade and may be operational now or in the near future.

The SA–5 Tallinn system provides an excellent defense against extremely high altitude aircraft; and as a leading U.S. expert has pointed out, could have considerable capability to intercept ballistic missiles. More will be said about the SA–5 system later.

ANTISUBMARINE WARFARE

Soviet defenses are also growing on the seas—witness the production of two large helicopter carriers: The Moskva and her sister ship, the Leningrad. These ships probably carry sophisticated electronic gear for detection and tracking of enemy submarines, and rely on armed helicopters to perform the kill. Both ships have operated extensively in the Mediterranean, and the Leningrad has been noted as far north as the Kola Peninsula. The Leningrad also played a prominent role in the large scale Soviet naval exercise, Okean, in April and May 1970. This single naval operation was, incidentally, the wides in scope ever attempted by any navy—involving about 200 ships in a single, integrated operations plan involving three oceans and nine adjoining seas.

ANTISUBMARINE AIRCRAFT

In addition to using helicopter carriers in an ASW role, the Soviets have developed several long range, land based aircraft for this mission. The Mail and the May are probably equipped with a high resolution radar, as well as magnetic anomaly detection gear. Both can carry ASW torpedoes and depth charges.

Additionally, the Soviets could configure their longer range naval version of the Bear bomber for this ASW mission. With such a platform recovering in Cuba, as the Soviets have done with the reconnaissance version, the entire North Atlantic could be covered routinely.

BALLISTIC-MISSILE DEFENSE

Turning now to ballistic missile defense, the Soviets have considerable activity underway.

MOSCOW SYSTEM

The Moscow system consists of 64 launchers, divided among four complexes, and was begun five years ago. At the same time, construction began an several giant supporting radars, about 900 feet long and 90 feet wide. These powerful radars, designated the Hen House, provide early warning acquisition and tracking functions.

This first phase Soviet ABM deployment around Moscow has been described by a DOD spokesman as a "relatively complete ballistic missile defense". He also stated that there is "no reason to doubt the effectiveness of this system."

ABM RADAR—ACQUISITION

A second large radar, nicknamed dog house and standing hundreds of feet tall, is located near Moscow. It is probably a more accurate system designed to provide refined data for improved battle management.

ABM RADAR—TRACKING

Final target tracking and missile guidance are probably provided by large, dome covered tracking radars, such as the one near Moscow, designated "try add".

ABM SYSTEMS

The Moscow system interceptor, the Galosh, is a multi-staged, solid/liquid fueled missile. It is believed to have a range of several hundred miles, can carry a 1 to 2 mt nuclear warhead, and appears suitable for a high altitude area defense. As now deployed, it could give the Soviets a limited capability against our Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is expected to be two or three years away when the half a dozen hen house installations around the Soviet Union are operational.

The Galosh missile, however, may not be the only ABM system in the Soviet inventory. The so-called Tallinn system employs the SA–5 missile and it has been said that "if the SA–5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles."

In addition, testing of an improved ABM interceptor is underway. This ABM would loiter—that is, once fired it could coast out to a general intercept area, select its targets, restart, and maneuver to kill the incoming warhead.

Projection of Soviet R&D efforts with these new ABM components may find that, by the MID–70's, the Soviets could have as many as 2,000 ABM launchers.

RESEARCH AND DEVELOPMENT

Quoting Dr. John S. Foster, the Director of Defense Research and Engineering, "The Soviet Union is now about to seize world technological leadership from the United States." He has based this conclusion on the comparative state of technology today between the two nations and the current level of R&D efforts. He believes that the United States still retains an overall edge in technology, but that this edge may exist in nonessential or irrelevant areas.

R&D PRACTICES

Soviet R&D practices can be characterized by three features:

(1) They are bold in their approach to program concepts. Construction on the large hen house radar, for example, actually began several years before a working interceptor to complement it was available.

(2) The Soviets organize their system development about a few prototypes, most often pitting two teams of designers against one another. The wide variety and variations of USSR fighter aircraft are examples of the methodology.

(3) Third and last, they seldom abandon a proven piece of equipment or system, but instead rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber, and the versatility of the SS–9 missile.

R&D FUNDING FOR DEFENSE

Looking at military, space and atomic energy R&D, the U.S. is already behind about $3 billion a year. The Soviets have been expanding R&D expenditures by about 13 percent a year since 1960.

CHICOM THREAT

Turning now to a brief look at Communist China. The Chinese Communists are apparently convinced that the possession of a strategic nuclear strike capability will act as a deterrent in preventing attacks on the Chinese mainland. They also have noted that this power would greatly enhance their bargaining position throughout the world.

As a step towards attaining this goal, the Chinese have thus far achieved a modest nuclear capability. They have conducted nuclear testing since 1964, including about a dozen detonations. Most are believed to have been thermo-nuclear devices, including both air and possibly missile delivered weapons, with yields in the megaton class.

CHICOM ICBM

The Chinese have successfully orbited two satellites, one in spring 1970, and one in March of this year. The technology displayed in launching these approximately 400 lb. payloads provides an insight into their missile potential based on their demonstrated space technology, reduced range testing of an ICBM may have begun late last year. Following more extensive testing, an operational ICBM could become available as early as 1973 and be deployed in limited numbers by 1975.

CHICOM MR/IRBM

The Chinese have been testing a medium range ballistic missile since the mid-1960's. The Soviets supplied the CHICOMS with an MRBM in the early 1960's. From this system, the Chinese have probably developed an indigenous missile.

Emphasis in CHICOM missile R&D may have shifted in 1970 to the development of an intermediate range missile system. By the middle of this year, there could be a small number of MRBMs deployed and limited deployment of the IRBM is a possibility within one to two years. A force of 80 to 100 IRBMs could be available by 1975.

CHICOM BOMBERS

The present Chicom nuclear delivery force consists of a limited number of medium range bomber aircraft. These bombers include about ten B–29 type piston aircraft acquired from the Soviets in the late 50's and a small but growing medium bomber force of badger type aircraft. The series production of this jet will permit the assembly of a significant force by mid-1972.

CHICOM AIR DEFENSE

The Chinese Communists have over 3,000 fighter aircraft, mostly of Soviet design; however, the Chinese may now be capable of producing their own native aircraft in limited quantities. Supporting these fighter aircraft are nearly 1,500 air defense radars. In addition, key targets are protected by over 50 surface to air missile sites and nearly 4,500 AAA weapons are deployed throughout the country.

CHICOM GROWTH

Though hardly comparable to Soviet growth, the Chinese threat does include improvements in all areas.

Their strategic bomber force, which has remained fairly constant since 1960, may add new medium range aircraft and increase the existing inventory within a few years.

Missile deployment may have begun last year with MRBMS, followed with an ICBM at the earliest by 1973. By the mid-1970's, total missiles on hand could reach as many as 125.

STRATEGIC THREAT—SOVIET-CHICOM

In summary, it is clear that the Soviet threat is growing. They are still deploying at least three types of ICBM's, and follow-on system improvements are underway. Our advantage in sea based ballistic missiles is rapidly diminishing, and testing is underway of a new missile which would double the range of the missile carried by the Yankee subs. They are continuing to produce bomber and fighter aircraft, and are flying a new bomber.

Although already superior in all aspects of defense, the Soviets are deploying more and better surface to air missiles and improving anti-submarine and ballistic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding R. & D. programs and provide options for the future.

The Chinese communist efforts to attain an independent strategic deterrent only complicate our problems further.

IMPACT ON U.S. STRATEGIC FORCES

Looking at the growing threat from the viewpoint of General Holloway in his dual hat capacity as commander in chief, strategic air command, and as director of the joint strategic target planning staff, we see at least three major problems: First, the threat to our forces in their day to day posture, from the Soviet ICBMS, SLBMS and anti-submarine warfare forces.

Second, the penetration of defenses is becoming more difficult, both for our bombers and for our missiles.

Finally, the enlarging and more complex strategic and defensive systems making up the growing threat makes our job of deterrence more difficult.

SAC SHIELD

But even more ominous is the threat to our way of life. This presentation has focused upon the *Strategic* threat, offensive and defensive. However, the Soviet developments in tactical air, land and sea forces are equally impressive.

One would conclude that the Soviets are developing options, options throughout the spectrum of warfare and the growing Chinese communist threat only serves to complicate an already difficult situation.

Gentlemen, this concludes the presentation on Soviet strategic capabilities.

## PROJECT: GIVE

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. EILBERG. Mr. Speaker, today's crucial problems of unemployment, inadequate education, and crime require that Federal agencies join the private sector in helping to solve these and other domestic problems. The voluntary assistance of public and private employees in support of the massively structured and organized official governmental effort to improve social and economic conditions is fundamental in effectively combating our serious domestic problems. The sponsorship of at least one significant project by each governmental agency to improve the well-being of the community creates a better understanding and acceptance in the community.

Recently, I was happy to learn that Lt. Gen. Earl C. Hedlund, U.S., Air Force, the Director of the Defense Supply Agency, made his field commanders aware of the Defense Department's determination to contribute to the improvement of our society and our communities by greater utilization of human and physical resources on a voluntary basis while maintaining full effectiveness in the performance of the primary defense mission.

At the same time, the Chairman of the Civil Service Commission, Robert E. Hampton, was urging the Federal executive boards to develop methods for matching the volunteer needs in the community with the skills of Federal employees willing to volunteer their services.

Brig. Gen. Paul E. Smith, U.S. Army, commanding general of the Defense Industrial Supply Center—DISC—a field activity of the Defense Supply Agency and in my district in northeast Philadelphia, initiated a program under the aegis of the Philadelphia Federal Executive Board, which, if successful as a pilot project in two Philadelphia Federal agencies, could spread to all governmental agencies in the Greater Philadelphia area and possibly the Nation.

The Philadelphia Executive Board established an ad hoc committee solely for this program chaired by the program originator—Mr. Richard Cohen of the Defense Industrial Supply Center, who resides in my district. These type programs can well help the economically hard-pressed educational systems not only in Philadelphia but all over the country.

The project entitled "GIVE," an acronym for Government Industry Volunteers for Education, is a program of after-hour voluntary tutoring by civil service employees of children who have learning problems caused by difficulties in basic skills such as reading and spelling. The program will begin with the opening of the school term in the fall.

Initially, DISC and the Social Security Administration in Philadelphia, will conduct the pilot projects on their facilities. The tutoring will be at no cost to the children or the school system and will be on a 1-to-1 basis. One volunteer with one student. In a letter to all DISC personnel asking for volunteer tutors for the project, General Smith, said in part:

I am very proud of your efforts on behalf of the Youth Study Center (a youth detention center in Philadelphia adopted by DISC). Your generous gifts and programs, your concern and care, have brightened the lives of many unfortunate young people at the Center. You now have another opportunity to show your concern in another act of sharing—your time and your talents—in an important domestic action program. This fall, we hope to start a program of voluntary tutoring for middle-school children who have learning problems caused by difficulties in basic skills, such as reading and spelling. Educators feel that lack of these basic skills often leads to disinterest, disciplinary problems, even eventual dropout. Voluntary tutoring has been successful in changing this pattern.

In response to this letter, more than 100 DISCites volunteered their services in less than a week and more are expected to offer their time, energy and experience.

The Philadelphia School Administration has developed the curricula for and will select the students. The school administration will also conduct a training seminar for the voluntary tutors prior to the start of the program in the fall. The volunteer tutor needs no special teaching qualifications, just a sincere desire to help.

The Office of Economic Opportunity has tentatively approved funding for the transportation of the young students from their neighborhood areas to the governmental facilities conducting the instruction.

The program is intended to—

Help to develop skills which when, lacking, often cause learning and discipline problems, lack of interest and ultimate dropout:

Provide the student with the undivided attention and interest of a concerned adult, frequently an unknown experience for the child;

Provide exposure to a business office, its facilities, and successful employees, many with backgrounds similar to that of the student, an introduction to the world of work;

Provide satisfaction and inspiration to the volunteer as he sees his efforts make a difference, cause results—a change in attitude, a gain in confidence;

Introduce the youngster, his family and neighbors to the human side of the nearby Government installation—to the people inside;

Provide the student practice time, homework help and an interested ear for school problems; and

Be the moving force to cause the youngster to move in the direction of good citizenship, productive living.

## BOSTON GLOBE PUBLISHES PENTAGON DOCUMENTS

### HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. HARRINGTON. Mr. Speaker, today the Boston Globe became the third newspaper in the country to publish excerpts from a secret Pentagon study detailing the origins of American involvement in the Vietnam war. The documents seem far from secret now. The Globe's articles detail the policy decisions made during the administration of President John F. Kennedy. President Kennedy, according to the Globe's report, exercised more prudence than his successors. When Gen. Maxwell Taylor recommended sending a force of ground troops, President Kennedy rejected the suggestion and retained the American advisory role.

The Globe, like the New York Times and the Washington Post, is performing

a service in publishing these historical documents. The Globe asserts in an editorial today that a beginning must be made if truth is to be reached. The Globe's editorial states today:

If it is not made, and if ways are never to be found to learn from history and to avoid the repetition of the ghastly errors of the past, then the nation's security will be indeed endangered, as well as the Constitution itself.

I cannot help but agree.

For that reason, I am including the articles and the documents which the Globe publishes today. I am also inserting an article, written by Leslie H. Gelb, excerpted from Foreign Policy quarterly which appeared in the Washington Post Sunday.

The articles follow:

GLOBE DISCLOSES MORE OF STUDY

(By Matthew V. Storin, Globe staff)

Unpublished portions of the 47-volume Pentagon history of the Vietnam war were made available yesterday to the Boston Globe.

The Globe is the third US newspaper to report on the 7000 page analysis tracing America's growing involvement in Indochina from World War II through mid-1968.

According to the documents made available to the Globe:

Gen. Maxwell Taylor advised President Kennedy in 1961 to send 8000 American combat troops into Vietnam but warned the move could lead to increased world tensions and a wider war. There were 1000 US troops in Vietnam at that time.

As soon as President Johnson announced a partial end to the bombing of North Vietnam on March 31, 1968, he elected to proceed with a policy of Vietnamization similar to that later followed by President Nixon.

On June 2, 1964, Secretary of Defense Robert S. McNamara in a meeting of top Administration officials in Honolulu discussed the possible use of nuclear weapons in Vietnam. Adm. Harry D. Felt, commander of US forces in the Pacific, openly advocated that American commanders be given this option.

The Soviet Union, fearing reaction from Communist China, rejected a plea by the United States in May, 1965, that Hanoi be informed that a bombing pause was being undertaken in hopes of prompting negotiations to end the war.

The massive Pentagon study, initiated by Secretary McNamara in June, 1967, was the work of more than 30 authors both inside and outside of government. The first report of the study was published June 13 by the New York Times. The Washington Post began printing reports on June 18.

Yesterday Federal appeals courts in New York and Washington continued their respective temporary bans against publication of further reports by the Times and the Post.

Both courts scheduled further hearings today. Lower Federal courts in both cities had previously ruled in favor of the newspapers but the decisions were appealed by the Justice Department.

The US Circuit Court of Appeals in New York ruled that its eight-member bench would hear the case today, Chief Judge Henry Friendly summoned colleagues from Vermont and Connecticut.

The Times, which had printed three articles on the Pentagon history, was enjoined from printing further reports until after the hearing set for 2 p.m. It was expected that a ruling from the court could not come before tomorrow.

In Washington, the Circuit Court of Appeals overruled Federal District Court Judge Gerhard Gesell for a second time after he said the Post could resume its reports.

Gesell, who was first overruled on Friday, said yesterday the government had made an earnest and responsible plea to stop publication on the basis of national security but had not proved its case.

"The government has failed to meet its burden, and without that burden being met, the First Amendment remains supreme," Gesell said.

Gesell, who heard most of yesterday's arguments by the Post and the government behind closed doors, said the only case that could be made against publication would be to show that it would possibly bring on war, threaten foreign relations or create other situations of major importance to national security.

The Justice Department immediately went to the appeals court to protest Gesell's ruling. The higher court then ruled the Post could not publish until the government's arguments were heard this afternoon.

The ruling was made by the entire nine-judge court headed by David L. Bazalon.

In both the Times and Post cases the next step would be appeals to the Supreme Court. These are expected regardless of which side wins in the appeals courts.

Lawyers in both cases are expected to rush proceedings in order to put the issue before the Supreme Court by Friday. The high court is scheduled to begin its summer recess this weekend.

Meanwhile the FBI was reported to have found two locations in Cambridge where copies of the Pentagon study had been reproduced.

In Washington, Senate Democratic Leader Mike Mansfield said the documents printed by the Times and Post raised grave questions about the manner in which US foreign policy is carried out.

He told the Senate that the study confirms the complaints of war critics that the US policy in Vietnam was made without participation by the Congress.

"In short," he said, "we have arrived at where we are in Vietnam not by party possesses but by government possesses."

Mansfield urged, however, that the issue of the Pentagon documents now be kept out of partisan politics. It would only "compound the tragedy," he said.

In a brief filed in the Times case yesterday, the American Civil Liberties Union, acting for itself and 27 congressmen, argued:

"It is utterly disrespectful to the First Amendment to censor a publication solely on the basis of generalized allegations that were proffered in this case."

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KENNEDY OK'D COVERT ACTION

(By Robert Healy, Globe Staff)

Gen. Maxwell Taylor in October of 1961 advised President Kennedy in an "eyes only for the President" cable to send an 8000 man US military task force into South Vietnam but he warned that the introduction of such a force "may increase tensions and risk escalation into a major war in Asia."

Gen. Taylor was special adviser to President Kennedy on Vietnam.

At the time of the Taylor mission, which took him and Walt Rostow, later to be President Johnson's chief adviser on national security affairs, and a group of state and defense department officials to South Vietnam, the United States had about 1000 soldiers in South Vietnam. They served as advisers to the South Vietnamese Army.

President Kennedy stepped up covert actions against North Vietnam and increased the number of advisers to 16,000 men before he was assassinated in November of 1963. He never commited a United States ground unit as Taylor recommended.

These disclosures were made in a portion of a secret Pentagon study on the origins of the war in Vietnam started in 1967 by then Secretary of Defense Robert McNamara. They were made available to the Boston Globe yesterday.

For the first time the Globe was making public the role of the Kennedy administration in the escalation of the war. Three earlier reports dealing with other phases of the war were published by the New York Times and two by the Washington Post before publication was halted by court injunctions.

As early as May 11, 1961, President Kennedy, according to the secret report, had approved programs for covert action which had been recommended by a Vietnam Task Force. Among these actions were:

(1) Dispatch of agents into North Vietnam.

(2) Aerial resupply of agents in North Vietnam through the use of civilian mercenary air crews.

(3) Infiltration of special South Vietnam forces into Southeast Laos to locate and attack Communist bases and lines of communication.

(4) Formulation of "networks of resistance, covert bases and teams for sabotage and light harassment" inside North Vietnam.

(5) Conduct of overflights of North Vietnam for the purpose of dropping leaflets.

These covert actions which were approved by President Kennedy were contained, according to the Pentagon study, in a National Security Action Memorandum number 52.

About the time that the cable was received by President Kennedy, the President, according to the Pentagon study, directed (among other measures that we "initiate guerrilla ground action, including the use of US advisers if necessary" against Communist aerial resupply missions in the vicinity of Tchepone (Sepone, Laos).

"He also directed the Department of State to prepare to publish its White Paper on DRV (North Vietnam) responsibility for aggression in SVN (South Vietnam)," the study showed.

In the Pentagon study's evaluation of the two cables sent to President Kennedy by Taylor, it said that the impression Taylor's choice of language leaves is that the support forces "were essentially already agreed to by the President before Taylor left Washington, and consequently his detailed justification went only to the kind of forces on which a decision was yet to be made—that is, ground forces liable—to become involved in direct engagements with the Viet Cong."

In his first cable of the mission (Oct. 15 to Nov. 2, 1961) sent from Saigon, Taylor wrote the President and the top officials at State and Defense: "My view is that we should put in a task force consisting largely of logistical troops for the purpose of participating in flood relief and at the same time of providing a U.S. military presence in VN capable of assuring Diem (President Ngo Dinh Diem) of our readiness to join him in a military showdown with the Viet Cong or Viet Minh. To relate the introduction of these troops to the needs of flood relief seems to me to offer considerable advantages in VN and abroad. It gives a specific humanitarian task as the prime reason for the coming of our troops. . . ."

Despite the Taylor recommendations for a U.S. task force, there was no hint publicly at that time out of the White House that the President would go along.

Upon his return from Vietnam Taylor said to newsmen that President Diem had assets available "to prevail against the Communist threat."

President Kennedy on the subject of Vietnam and the Taylor mission at a press conference on Feb. 14, 1962, said that President

Diem had asked for additional assistance. The administration, he said, had detailed the support which the "Viet Minh in the North were giving to this Communist insurgent movement and we have increased our assistance there. And we are supplying logistical assistance, transportation assistance, training, and we have a number of Americans who are taking part in that effort."

Kennedy did not mention the Taylor recommendation for a U.S. task force or whether the United States was considering one.

TERROR AND CRISIS

Taylor in his cable to the President said that Viet Cong forces one tenth the size of the South Vietnamese Army regulars could create conditions of frustration and terror which was certain to lead to a political crisis.

In his list of specifics Taylor said that the US government should support the effort to stop the Viet Cong "with equipment and with military units and personnel to do those tasks which the Armed Forces of Vietnam cannot perform in time."

Taylor recommended the troop commitment despite full recognition of what he listed as disadvantages.

Among these:

"A. The strategic reserve of US forces is presently so weak that we can ill afford any detachment of forces to a peripheral area of the Communist bloc where they will be pinned down for an uncertain duration.

"B. Although US prestige is already engaged in SVN, it will become more so by the sending of troops.

"C. If the first contingent is not enough to accomplish the necessary results, it will be difficult to resist the pressure to reinforce. If the ultimate result sought is the closing of the frontiers and the clean-up of the insurgents within SVN, there is no limit to our possible commitment (unless we attack the source in Hanoi).

"D. The introduction of US forces may increase tensions and risk escalation into a major war in Asia."

But despite these disadvantages, Taylor said in the cable, the introduction of a military task force offers more advantages than it creates risks and difficulties.

"In fact," wrote Taylor, "I do not believe that our program to save Vietnam will succeed without it."

Gen. Taylor just last week opposed the publication of the Pentagon study. He called the New York Times disclosures "a practice of betrayal of government secrets."

Asked on a CBS news program how his position squared with the people's right to know, Gen. Taylor responded.

"I don't believe in that as a general principle. You have to talk about cases. What is a citizen going to do after reading these documents that he wouldn't have done otherwise? A citizen should know those things he needs to know to be a good citizen and discharge his functions, but not to get into secrets that damage his government and indirectly damage the citizen himself."

Sen. Edward Kennedy, President Kennedy's brother, said he was not certain what the Pentagon study contained with regard to his brother, but that he favored its publication.

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TET OFFENSIVE TURNED JOHNSON TOWARD VIETNAMIZATION POLICY

(By Crocker Snow, Jr., Globe Staff)

When President Johnson in March 1968 announced publicly that he would not run for re-election, he was also deciding privately that a policy of Vietnamization was the best one for the nation to follow in the war.

The President's speech was also a denial of Gen. William C. Westmoreland's request for an increase of 206,000 American troops.

This change in the President's thinking toward the kind of policy President Nixon has since adopted is evidenced in the concluding portions of the secret Pentagon study viewing the decision-making of American military involvement in Vietnam.

It was March 31, 1968 that President Johnson made his famous peace initiative, in which he announced a limited bombing halt and only a small build-up of 24,500 American troops following the shock of the Tet Offensive two months earlier, and called for Britain and the Soviet Union to take the lead in achieving a peaceful settlement.

In this same speech, the President made an urgent plea for national unity, and took himself out of the 1968 presidential race with the words, "I shall not seek, and I will not accept . . ."

The focus of public attention centered on these latter two aspects of the speech.

But the day before, in a cable marked "Literally Eyes Only for the Ambassador or Charge" to the US embassies in Australia, New Zealand, Thailand, Laos, the Philippines and South Korea, previewing the President's upcoming speech, the principal point, according to the Defense Department study, was:

"Major stress on importance of GVN (Government of Vietnam) and ARVN (Army of Republic of Vietnam) increased effectiveness, with our equipment and other support as first priority in our own actions."

This cable, about which the ambassadors were directed to "see their respective heads of government," previewed what the President himself was to say publicly the next day.

Mr. Johnson led off by stating: "We shall accelerate the re-equipment of South Vietnam's armed forces in order to meet the enemy's increased firepower. This will enable them progressively to undertake a larger share of the combat operations against the Communist invaders."

The significance of this policy—largely unrecognized by the press or public at that time—was pointed out in the narrative written by a team of Pentagon writers to go along with their exhaustive study.

The very last sentences in the material made available to The Globe and known to be in the study itself in the section entitled "Epilogue", which concerns the effect of the Tet Offensive on US policies, reads:

"The possibility of military victory had seemingly become remote and the cost had become too high both in political and economic terms. Only then were our ultimate objectives brought out and reexamined. Only then was it realized that a clear-cut military victory was probably not possible or necessary, and that the road to peace would be at least as dependent upon South Vietnamese political developments as it would be on American arms.

"This realization, then, made it possible to limit the American military commitment to South Vietnam to achieve the objectives for which this force had originally been deployed. American forces would remain in South Vietnam to prevent defeat of the Government by Communist forces and to provide a shield behind which that Government could rally, become effective, and win the support of its people."

These concluding words of the Pentagon study, describing the final phase of Mr. Johnson's thinking on the war, have a sound similar to President Nixon's in his "Silent Majority" speech on Nov. 3, 1969, in which he said: "The primary mission of our troops is to enable the South Vietnamese forces to assume the full responsibility for the security of South Vietnam."

The two months between the Tet Offensive and President Johnson's notable speech to the nation are described in the Pentagon study as a time of conflicting counsel coming to the White House and revolving around a request from General William Westmoreland, then the US commander in Saigon, for 206,000 additional troops over the 525,000 ceiling that had previously been placed on American forces there.

The fireworks of the Tet Offensive had, it is clear from the Pentagon studies, shaken Washington's confidence in the eventual outcome of the war and kicked off what the writers decribe as a "reassessment from A to Z".

The attacks had begun with the bombing of the United States Embassy on January 31, 1968, and, according to the analyst, "although it had been predicted, took the US Command and the US public by surprise, and its strength, length and intensity prolonged this shock."

One of the first official reassessments following Tet was undertaken by the Joint Chiefs of Staff at the direction of Secretary of Defense Robert McNamara.

The Pentagon study describes the Joint Chiefs' recommendations and concludes that "for perhaps the first time in the history of American involvement in Vietnam, the Joint Chiefs of Staff recommended against deploying the additional forces requested by the field commander, in the absence of other steps to reconstitute the strategic reserve."

"At long last," reads the report, "the resources were beginning to be drawn too thin, the assets became unavailable, the support base too small."

In considering the different possible contingencies surrounding calls for new troops in Vietnam, the Joint Chiefs had, according to the writer, considered "the possibility of widespread civil disorder in the United States" and concluded that "sufficient forces would still be available for civil disorder control."

The Joint Chiefs' consideration of possible civil disorder indicates as well as anything in the documents the growing dissatisfaction of major portions of the population with government policies in Vietnam by early 1968.

On March 12 and 13, Secretary of State Dean Rusk appeared before the Senate Foreign Relations Committee and was questioned about the war.

The Pentagon document points out that Rusk "even came under criticism from one of the few Administration supporters on the Committee, Sen. Karl E. Mundt (R-S.D.).

"You are as aware as we are that the shift of opinion in this country is in the wrong direction," Sen. Mundt is quoted as telling the secretary of state. "Something more convincing has to come from the Administration as to what this is all about 'to match' the sacrifices we are making."

What is not specifically mentioned in the documents, but what must have had an effect too on President Johnson's sense of the mood of the country was the big showing for Sen. Eugene McCarthy (D-Minn.) running as a peace candidate in the Democratic presidential primary in New Hampshire.

Just two weeks earlier, on March 1, the President had sworn in Clark Clifford as secretary of defense.

Clifford, according to the Pentagon study, was under mandate from the President to conduct "a complete and searching reassessment of the entire US strategy and commitment in South Vietnam."

Even before he officially took office, Clifford set up a special group to help with this reassessment, consisting of Secretary McNamara; Gen. Maxwell Taylor; Paul Nitze, special adviser to McNamara; Henry Fowler of the Treasury; Nicholas Katzenbach, No. 3 man in the State Department; Walt W. Rostow, presidential adviser; Richard Helms of

the CIA; William Bundy, assistant secretary of state for Far Eastern affairs; Paul Warnke of the Defense Dept.; and Philip Habib of the State Dept.

Gen. Earle Wheeler, chairman of the Joint Chiefs, had in addition been sent to Saigon on Feb. 23 and reported directly to the President four days later.

An intense period of discussion, debate and memo-writing among these individuals and various agencies of the government was created out through the last week of February and the early days of March.

Memoranda were submitted by the ISA (International Security Affairs division of the Defense Department) and CIA on various military and political projections of the war under different circumstances.

An assistant secretary of defense for public affairs Phil Goulding prepared a paper entitled "Possible Public Reactions to Various Alternatives." In this, he considered five options with the first, and in his terms worst, one being "increased mobilization and deployment moves without other new actions."

Such an option, he wrote, "will make the doves unhappy because we become more and more enmeshed in the war. They will make the hawks unhappy, because we still will be withholding our military strength, particularly in the North. And the middle-of-the-roaders who basically support the President out of conviction or patriotism will be unhappy because they will see the ante going up in many ways and still will not be given a victory date, a progress report they can believe or an argument they can accept that all of this IS in the national interest."

Goulding ran through other options from a public affairs standpoint and recommended one which he describes as "denial of Gen. Westmoreland's request and a change in strategy in South Vietnam."

"While this does not necessarily show progress," he writes, "it does show change. It does show the search for new approaches . . . It would prevent the middle-of-the-roaders from joining the doves."

The Pentagon writer who compiled the narrative of this concluding part of the study acknowledges that "there is of course no way of knowing how much consideration and weight were given to each of these papers by the small group of action officers in the Pentagon . . ."

The net result of this governmental "reassessment from A to Z in the spring of 1968 is described in the narrative part of the Pentagon study as "similar to all previous requests for reinforcement in Vietnam."

"The litany was familiar," wrote the analyst. "We will furnish what we can presently furnish without disrupting the normal political and economic life of the nation, while we study the situation as it develops."

But the Pentagon study documents how the new defense secretary, Clifford, took this familiar litany a step further.

In a draft memorandum for the President dated March 4, 1968, Clifford recommends new deployments of 22,000 of the 206,000 men which Gen. Westmoreland had requested by the end of the year.

His second paragraph of recommendations called for: "Either through Ambassador Bunker or through an early visit by Secretary Clifford, a highly forceful approach to the GVN (Thieu and Ky) to get certain key commitments for improvement, tied to our own increased effort and to increased US support for the ARVN . . ."

Clifford is described as recommending early approval of a call-up of reserves, a wait-and-see attitude about Gen. Westmoreland's full request, no new peace initiative but a restatement of the old, "a general decision on bombing policy not excluding future change," and an in depth study of "possible new political and strategic guidance for the conduct of US operations in South Vietnam . . ."

The Pentagon analyst writes that "from the 4th of March (when Clifford's recommendations were submitted) until the final presidential decision was announced, the written record becomes sparse. The debate within the Administration was argued and carried forward on a personal basis by the officials involved, primarily, the secretary of defense and the secretary of state."

One further important input was to influence the President at this critical juncture, according to the documents.

On March 18, Mr. Johnson summoned what is described as "a group of his friends and confidants" to Washington to hear the options and help advise him. Those present were former undersecretary of state George Ball; Arthur Dean, a Republican New York lawyer who was a Korean war negotiator during the Eisenhower Administration; Dean Acheson, former President Truman's secretary of state; Gen. Matthew B. Ridgeway, the retired commander of the UN troops in Korea; Gen. Maxwell Taylor, former chairman of the Joint Chiefs of Staff; Cyrus Vance, former deputy defense secretary; McGeorge Bundy, Ford Foundation president who had been special assistant for national security affairs to Mr. Johnson and former President Kennedy; former Treasury Secretary C. Douglas Dillon and Gen. Omar Bradley.

The group met over dinner with Secretary of State Rusk; Defense Secretary Clifford; Ambassador Harriman; Walt W. Rostow, the President's special assistant for national security affairs; Richard Helms, director of the Central Intelligence Agency; Paul Nitze, deputy defense secretary; Nicholas Katzenbach, undersecretary of state; and William P. Bundy, assistant secretary of state for Far East.

As described in the Pentagon study, both groups were briefed separately by three men, Habib, Maj. Gen. William E. DePuy, a special assistant to the Joint Chiefs for counterinsurgency, and George Carver, a CIA analyst.

The following day, the group from outside the government joined President Johnson for lunch and, according to the writer, surprised the President with a recommendation to "forget about seeking a battlefield solution to the problem and instead intensify efforts to seek a political solution at the negotiating table."

As a result of the difference between these conclusions and those of his government aides, both drawn from essentially the same briefings, the President is reported to have had midnight evening sessions with the same three men in order to draw his own conclusions.

The reports from this are drawn by the Pentagon study and directly credited by the Pentagon writer to a news report by diplomatic writer Stuart Loory of the Los Angeles Times.

Earlier in the narration of this period, the documents credit an article written by Neil Sheehan and Hedrick Smith and published on March 10 in the New York Times as being a "Startling accurate account of the big issues and intra-governmental debate which the President was listening to.

Throughout the month of March, the writer describes the President as "troubled . . . in public he continued to indicate firmness and resoluteness, but press leaks and public criticism continued to compound his problem."

Thus was the stage set for Mr. Johnson's famous speech which comprises a separate chapter in the Pentagon narrative entitled "I Shall Not Seek, and I Will Not Accept."

In the narrative's brief epilogue to this period, the writer concluded with the mention of a response from Hanoi on April 3, 1968, in which, as President Johnson publicly described it, "The Government of the Democratic Republic of Vietnam declares its readiness to appoint its representatives to contact the US representative with a view to determining with the American side the unconditional cessation of the US bombing raids and all other acts of war against the Democratic Republic of Vietnam so that talks may start."

President Johnson then repeated his statement of three days earlier, "Now, as in the past, the United States is ready to send its representatives to any forum, at any time, to discuss the means of bringing this war to an end."

Concluding this aspect of the 47-volume Defense Department study tracing American involvement in Vietnam from 1954, the Pentagon writer states: "For a policy from which so little was expected a great deal was initiated. The North Vietnamese and Americans sat down at the conference table in Paris to begin to travel the long road to peace; the issue of Vietnam was largely removed from American political discord, a limit to the commitment of US forces was established, and the South Vietnamese were put on notice that, with our help, they would be expected to do more in their own defense."

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### Clifford Sought Massive Shakeup in Viet Regime

(By Martin F. Nolan, Globe staff)

Former Defense Secretary Clark M. Clifford sought a massive shakeup of the South Vietnamese government less than a week after he took office, according to the Pentagon study.

Clifford recommended "certain key commitments for improvement" from President Thieu and Vice President Ky and urged that the improvements be "tied to our own increased effort and to increased U.S. support for the ARVN (the Army of the Republic of Vietnam)."

In a memo cited in the Pentagon-sponsored analysis, Clifford recommended that either he or U.S. Ambassador Ellsworth Bunker adopt "a highly forceful approach to Thieu and Ky.

In a "tab" document supporting the Clifford memorandum to President Johnson, Thieu and Ky were criticized for mismanagement, corruption and political bickering. The "tab" memorandum even suggested that "we should solicit Ambassador Bunker's views on the desirability of replacing the prime minister (Khiem). If he is to be replaced, we should agree on his successor beforehand in consultation with Thieu and Ky."

The memorandum was written by Defense Department analysts on March 4. Clifford succeeded Robert S. McNamara on March 1.

Clifford urged Johnson to delay answering the request of Gen. William Westmoreland for 206,000 additional American troops.

"The future decision to do so would be contingent," the Clifford memo said, "upon . . . improved political performance by the GVN and increased contribution in effective military action by the ARVN."

The Defense Department's "tab" document excoriated both Thieu and Ky, who may face each other in this fall's presidential elections in South Vietnam.

"The failure of Thieu and Ky to cooperate fully and apply their individual talents to the needs of the situation has continued to plague the effective management of the Vietnamese effort," the document said.

"Thieu and Ky and their followers, as well as other elements in the society not associated directly with them, must be brought to realize that we are no longer prepared to put up with anything but the maximum effort on their part. A clear and precise role for Ky should be defined. Thieu and Ky

must bring their followers into line. The government should be prepared to engage the services of people with administrative and executive talent who are now not participating in the common task.

"Our expectations in this regard must be made crystal clear to each and every Vietnamese leader in and out of government. Without this fundamental change in the attitude and dedication of the leadership, the necessary reforms and the necessary inspiration of the Vietnamese people will not be forthcoming quickly or sufficiently."

The memorandum then listed a long series of recommendations for the Thieu-Ky government:

"Relief of a specified list of corrupt officials now and the promise of severe action in the future.

"Incompetent province chiefs who have plagued our efforts in the past must be removed. The removal of incompetent commanders and officials is now more feasible in the light of their performance during the Tet offensive.

"Present government programs to eliminate new luxury construction must be tightened and continued. Bars and night clubs should remain closed. Austerity should be fostered."

Clifford who had long been an informal adviser to President Johnson before joining his Cabinet, also had ordered supporting documents "in dealing with public opinion and with Congress." One appendix sought to prove "that Gen. Westmoreland needs the additional troops being sent him and that he does not need further additional troops at this * * *.

Less than a month after Clifford's memo, Mr. Johnson delivered his speech of March 31, 1968. He cited Thieu's speech in Saigon a week earlier than had apparently been made in response to Clifford's pressure. "He warned his people that a major national effort is required to root out corruption and incompetence at all levels of government," Mr. Johnson said.

"Tonight, we and the other allied nations are contributing 600,000 fighting men to assist 700,000 South Vietnamese troops in defending their little country," the former President told a nationwide audience.

"Our presence there has always rested on this basic belief: the main burden of preserving their freedom must be carried out by them—by the South Vietnamese themselves."

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CIA Played Down US Domino Theory

(By Darius S. Jhabvala, Globe staff)

A key Johnson Administration military adviser had proposed in 1964 that tactical nuclear weapons would have to be deployed if Communist Chinese forces entered the ground war in Vietnam. Admiral Harry D. Felt, then the commander in chief of the Pacific forces, emphatically demanded also that commanders be given the freedom to use such weapons "as had been assumed under various plans."

This question, among others, was discussed among his top advisers at the Honolulu conference, June 1-2, 1964.

Following the meeting, President Johnson asked his advisers the basic question: "Would the rest of Southeast Asia necessarily fall if Laos and South Vietnam came under North Vietnamese control?"

On June 9, the Board of National Estimates of the Central Intelligence Agency, provided a response, stating:

"With the possible exception of Cambodia, it is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore, a continuation of the spread of Communism in the area would not be inexorable and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

These and other details are part of the study on Vietnam that was made for Defense Department.

The State Department approached the Honolulu conference "with a basic assumption," namely "our point of departure is and must be that we cannot accept the overrunning of southeast Asia by Hanoi and Peking."

Beyond this, the discussions "were intended to help clarify issues with respect to exerting pressures against North Vietnam." The joint Chiefs of Staff recommended that "the US should seek through military actions to accomplish destruction of the North Vietnamese will and capabilities as necessary to compel the Democratic Government of Vietnam to cease providing support to the insurgencies in South Vietnam and Laos."

LIMITED ACTION

However, the JCS went on to note that "some current thinking appears to dismiss the objective in favor of a lesser objective, one visualizing limited military action which, hopefully, would cause the North Vietnamese to decide to terminate their subversive support."

During discussions of the extent of new military action, Ambassador Henry Cabot Lodge, "argued in favor of attack on north." He is reported to have stated "his conviction that most support for the Viet Cong would fade as soon as some "counter-terrorism measures' were begun against DRV."

Discussions then turned to the desirability of obtaining a congressional resolution prior to wider US action. Lodge felt that it would not be necessary, since the US response would be on a "tit-for-tat" basis. But Defense Secretary McNamara, Rusk and CIA Director John McCone all argued in favor of the resolution.

Gen. Maxwell D. Taylor, chairman of the Joint Chiefs, then raised "the final possibility" of Chinese involvement. Were that to occur, the allies would require "seven ground divisions."

"Secretary McNamara then went on to say that the possibility of major ground action also led to a serious question of having to use nuclear weapons at some point," the reports point out. "Admiral Felt responded emphatically that there was no possible way to hold off the Communists on the ground without the use of tactical nuclear weapons and that it was essential that the commanders be given freedom to use these as had been assumed under various plans," it added.

Gen. Taylor was "more doubtful as to the existence or at least to the degree of the nuclear weapon requirement."

"The point, the report concluded, "was not really followed up."

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[From the Boston Globe, June 22, 1971]

The Truth Finds a Way

The Nixon Administration's campaign in court to stop the publication by the N.Y. Times and Washington Post of secret Pentagon documents on the war in Vietnam continues without let-up—but also without too much success so far. For the truth has a way of emerging always into the clear light of day.

Two Federal district judges, Murray Gurfein in New York and Gerhard A. Gesell in Washington, have turned down the government's request for preliminary injunctions to bar those newspapers from printing the classified material.

In both cases the government has appealed and the full US Courts of Appeal will hear the matter today. Meanwhile, the ban has been extended another day. And there, for the moment, the crucial issue rests—or does not rest, exactly.

For the temporary restraining orders applying to the Times and the Post do not apply—as yet, anyway—to the other newspapers of our country, and we trust they never will.

The Boston Globe, like the N.Y. Times and Washington Post, has come into possession of many of the classified Pentagon papers, some already published and some not. It has decided to begin publishing them today as a public service in support of the people's right to know.

This decision has not been made lightly. We must anticipate, though we have no desire for it, still another attempt by the Department of Justice to prevent further publication of these papers. But to quail from this possibility is, we feel, to desert everything for which a free press must stand.

The first consideration is the nation's security. An examination of the documents shows clearly that that is not involved here in the sense that the Justice Department means it. None of the documents concerns the present Administration, or current military operations or plans. All of them concern the history of how we became involved in this dreadful war and increased that involvement, sometimes against secret advice opposed to it.

The secret papers, it seems fair to say, tell only a part of that history. It may be that the principals in it who are still alive may have more to add, and out of it will come a final truth. But to reach the truth ever, a beginning must be bravely made.

If it is not made, and if ways are never to be found to learn from history and to avoid the repetition of the ghastly errors of the past, then the nation's security will be indeed endangered, as well as the Constitution itself.

The Globe is not publishing these documents to show that any President or other official, civilian or military, has been wrong. That is a matter for the people to judge. But they can only judge intelligently if they are given all the facts possible.

For decades Washington officials have been blatantly abusing the stamp labeled "Top Secret." Materials under that heading have been "leaked" to countless newspapermen to serve some special cause of the government. This has been a one-way street that misled the public. It deserves to have both sides.

And so does Congress. It, too, has been denied, because of the label of secrecy, information it needs to vote intelligently on measures involving the lives of American boys on the other side of the earth.

We in this country take pride in being free, in having certain inalienable rights, in having free speech and a free press. We look down, and rightly so, upon censorship in the Soviet Union where such great writers as Solzhenitsyn are suppressed and even the "Samizdat" (privately circulated typescript) is forbidden by criminal law.

We are confident that our own country will have no part in censorship, and that, in the end, our courts will uphold the people's right to know and the freedom of the press that is so essential to that right. As long as we have a democracy, the truth will find a way to emerge.

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[From the Boston Globe, June 22, 1971]

Gen. Taylor's Vietnam Cables to Kennedy

(Cablegram from General Maxwell D. Taylor in Saigon in late October, 1961, to President Kennedy, on the question of introducing U.S. military forces into Vietnam.)

My view is that we should put in a task force consisting largely of logistical troops

for the purpose of participating in flood relief and at the same time of providing a U.S. military presence in VN capable of assuring Diem of our readiness to join him in a military showdown with the Viet Cong or Viet Minh. To relate the introduction of these troops to the needs of flood relief seems to me to offer considerable advantages in VN and abroad. It gives a specific humanitarian task as the prime reason for the coming of our troops and avoids any suggestion that we are taking over responsibility for the security of the country. As the task is a specific one, we can extricate our troops when it is done if we so desire. Alternatively, we can phase them into other activities if we wish to remain longer.

The strength of the force I have in mind is on the order of 6–8000 troops. Its initial composition should be worked out here after study of the possible requirements and conditions for its use and subsequent modifications made with experience.

In addition to the logistical component, it will be necessary to include some combat troops for the protection of logistical operations and the defense of the area occupied by U.S. forces. Any troops coming to VN may expect to take casualties.

Needless to say, this kind of task force will exercise little direct influence on the campaign against the VC. It will, however, give a much needed shot in the arm to national morale, particularly if combined with other actions showing that a more effective working relationship in the common cause has been established between the GVN and the U.S.

(A second cablegram from General Taylor to President Kennedy in October, 1961, sent from the Philippines.)

1. Transmitted herewith are a summary of the fundamental conclusions of my group and my personal recommendations in response to the letter of the President to me dated 13 October 1961.

2. It is concluded that:

(a) Communist strategy aims to gain control of Southeast Asia by methods of subversion and guerrilla war which by-pass conventional US and indigenous strength on the ground. The interim Communist goal—en route to total take-over—appears to be a neutral Southeast Asia, detached from US protection. This strategy is well on the way to success in Vietnam.

(b) In Vietnam (and Southeast Asia) there is a double crisis in confidence: doubt that US is determined to save Southeast Asia; doubt that Diem's methods can frustrate and defeat Communist purposes and methods. The Vietnamese (and Southeast Asians) will undoubtedly draw—rightly or wrongly—definitive conclusions in coming weeks and months concerning the probable outcome and will adjust their behavior accordingly. What the US does or fails to do will be decisive to the end result.

(c) Aside from the morale factor, the Vietnamese Government is caught in interlocking circles of bad tactics and bad administrative arrangements which pin their forces on the defensive in ways which permit a relatively small Viet-Cong force (about one-tenth the size of the GVN regulars) to create conditions of frustration and terror certain to lead to a political crisis, if a positive turning point is not soon achieved. The following recommendations are designed to achieve that favorable turn, to avoid a further deterioration in the situation in South Vietnam, and eventually to contain and eliminate the threat to its independence.

3. It is recommended:

GENERAL

(a) That upon request from the Government of Vietnam (GVN) to come to its aid in resisting the increasing aggressions of the Viet-Cong and in repairing the ravages of the Delta flood which, in combination, threaten the lives of its citizens and the security of the country, the US Government offer to join the GVN in a massive joint effort as a part of a total mobilization of GVN resources to cope with both the Viet-Cong (VC) and the ravages of the flood. The US representatives will participate actively in this effort, particularly in the fields of government administration, military plans and operations, intelligence and flood relief, going beyond the advisory role which they have observed in the past.

SPECIFIC

(b.) That in support of the foregoing broad commitment to a joint effort with Diem, the following specific measures be undertaken:

(1) The US Government will be prepared to provide individual administrators for insertion into the governmental machinery of South Vietnam in types and numbers to be worked out with President Diem.

(2) A joint effort will be made to improve the military-political intelligence system beginning at the provincial level and extending upward through the government and armed forces to the Central Intelligence Organization.

(3) The US Government will engage in a joint survey of the conditions in the provinces to assess the social, political, intelligence, and military factors bearing on the prosecution of the counter-insurgency in order to reach a common estimate of these factors and a common determination of how to deal with them. As this survey will consume time, it should not hold back the immediate actions which are clearly needed regardless of its outcome.

(4) A joint effort will be made to free the Army for mobile, offensive operations. This effort will be based upon improving the training and equipping of the Civil Guard and the Self-Defense Corps, relieving the regular Army of static missions, raising the level of the mobility of Army Forces by the provision of considerably more helicopters and light aviation, and organizing a Border Ranger Force for a long-term campaign on the Laotian border against the Viet-Cong infiltrators. The US Government will support this effort with equipment and with military units and personnel to do those tasks which the Armed Forces of Vietnam cannot perform in time. Such tasks include air reconnaissance and photography, airlift (beyond the present capacity of SVN forces), special intelligence, and air-ground support techniques.

(5) The US Government will assist the GVN in effecting surveillance and control over the coastal waters and inland waterways, furnishing such advisors, operating personnel and small craft as may be necessary for quick and effective operations.

(6) The MAAG, Vietnam, will be reorganized and increased in size as may be necessary by the implementation of these recommendations.

(7) The US government will offer to introduce into South Vietnam a military task force to operate under US control for the following purposes:

(a) Provide a US military presence capable of raising national morale and of showing to Southeast Asia the seriousness of the US intent to resist a Communist takeover.

(b) Conduct logistical operations in support of military and flood relief operations.

(c) Conduct such combat operations as are necessary for self-defense and for the security of the area in which they are stationed.

(d) Provide an emergency reserve to back up the armed forces of the GVN in the case of a heightened military crisis.

(e) Act as an advance party of such additional forces as may be introduced if CINCPAC or SEATO contingency plans are invoked.

(8) The US government will review its economic aid program to take into account the needs of flood relief and to give priority to those projects in support of the expanded counter-insurgency program.

*(A third cablegram from General Taylor to President Kennedy in October, 1961, also sent from the Philippines.)*

This message is for the purpose of presenting my reasons for recommending the introduction of a US military force into South Vietnam (SVN). I have reached the conclusion that this is an essential action if we are to reverse the present downward trend of events in spite of a full recognition of the following disadvantages:

(a.) The strategic reserve of US forces is presently so weak that we can ill afford any detachment of forces to a peripheral area of the Communist bloc where they will be pinned down for an uncertain duration.

(b.) Although US prestige is already engaged in SVN, it will become more so by the sending of troops.

(c.) If the first contingent is not enough to accomplish the necessary results, it will be difficult to resist the pressure to reinforce. If the ultimate result sought is the closing of the frontiers and the clean-up of the insurgents within SVN, there is no limit to our possible commitment (unless we attack the source in Hanoi).

(d) The introduction of US forces may increase tensions and risk escalation into a major war in Asia. On the other side of the argument, there can be no action so convincing of US seriousness of purpose and hence so reassuring to the people and Government of SVN and to our other friends and allies in SEA as the introduction of US forces into SVN. The views of indigenous and US officials consulted on our trip were unanimous on this point. The size of the US force introduced need not be great to provide the military presence necessary to produce the desired effect on national morale in SVN and on international opinion. A bare token, however, will not suffice; it must have a significant value. The kinds of tasks which it might undertake which would have a significant value are:

(a) Provide a US military presence capable of raising national morale and of showing to Southeast Asia the seriousness of the US intent to resist a Communist takeover.

(b) Conduct logistical operations in support of military and flood relief operations.

(c) Conduct such combat operations as are necessary for self-defense and for the security of the area in which they are stationed.

(d) Provide an emergency reserve to back up the Armed Forces of the GVN in the case of a heightened military crisis.

(e) Act as an advance party of such additional forces as may be introduced if CINCPAC or SEATO contingency plans are invoked.

It is noteworthy that this force is not proposed to clear the jungles and forests of Viet Cong guerrillas. That should be the primary task of the Armed Forces of Vietnam, for which they should be specifically organized, trained, and stiffened with ample US advisors down to combat battalion levels. However, the US troops may be called upon to engage in combat to protect themselves, their working parties, and the area in which they live. As a general reserve, they might be thrown into action (with US agreement) against large, formed guerrilla bands which have abandoned the forests for attacks on major targets. But in general, our forces should not engage in small-scale guerrilla operations in the jungle.

As an area for the operations of U.S. troops, SVN is not an excessively difficult or unpleasant place to operate. While the border areas are rugged and heavily forested, the terrain is comparable to parts of Korea where U.S. troops learned to live and work without too much effort. However, these border areas, for reasons stated above, are not the places to engage our forces. In the High Plateau and in the coastal plain where U.S. troops would probably be stationed, these jungle-forest conditions do not exist to any great extent. The most unpleasant feature in the coastal areas would be the heat and, in the Delta, the mud left behind by the flood. The High Plateau offers no particular obstacle to the stationing of U.S. troops.

The extent to which the Task Force would engage in flood relief activities in the Delta will depend upon further study of the problem there. As reported in Saigon 537, I see considerable advantages in playing up this aspect of the Task Force mission. I am presently inclined to favor a dual mission, initially help to the flood area and subsequently use in any other area of SVN where its resources can be used effectively to give tangible support in the struggle against the Viet Cong. However, the possibility of emphasizing the humanitarian mission will wane if we wait long in moving in our forces or in linking our stated purpose with the emergency conditions created by the flood.

The risks of backing into a major Asian war by way of SVN are present but are not impressive. NVN is extremely vulnerable to conventional bombing, a weakness which should be exploited diplomatically in convincing Hanoi to lay off SVN. Both the DRV and the Chicoms would face severe logistical difficulties in trying to maintain strong forces in the field in SEA, difficulties which we share but by no means to the same degree. There is no case for fearing a mass onslaught of Communist manpower into SVN and its neighboring states, particularly if our airpower is allowed a free hand against logistical targets. Finally, the starvation conditions in China should discourage Communist leaders there from being militarily venturesome for some time to come.

By the foregoing line of reasoning, I have reached the conclusion that the introduction of a US military task force without delay offers definitely more advantage than it creates risks and difficulties. In fact, I do not believe that our program to save SVN will succeed without it. If the concept is approved, the exact size and composition of the force should be determined by the Secretary of Defense in consultation with the JCS, the chief MAAG and CINCPAC. My own feeling is that the initial size should not exceed 8000, of which a preponderant number would be in logistical-type units. After acquiring experience in operating in SVN, this initial force will require reorganization and adjustment to the local scene.

As CINCPAC will point out, any forces committed to SVN will need to be replaced by additional forces to this area from the strategic reserve in the US. Also, any troops to SVN are in addition to those which may be required to execute SEATO Plan 5 in Laos. Both facts should be taken into account in current considerations of the FY 1963 budget which bear upon the permanent increase which should be made in the US military establishment to maintain our strategic position for the long pull.

TERMS USED IN TEXT

ARVN—Army of the Republic of (South) Vietnam.
CHICOM—Chinese Communists.
CINCPAC—Commander-in-chief, Pacific.
DRV—Democratic Republic of (North) Vietnam.
GVN—Government of (South) Vietnam.
JCS—Joint Chiefs of Staff.
MAAG—Military Assistance Advisory Group.
MACV—Military Assistance Command, Vietnam.
RD—Revolutionary Development Program.
RVNAF—Republic of (South) Vietnam Air Force.
SEA—Southeast Asia.
SVN—South Vietnam.
USG—United States Government.
VC—Viet Cong.

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[From the Boston Globe, June 22, 1971]

REPORT OF TET OFFENSIVE

*(Excerpts from a report by General Earle G. Wheeler, chairman of the Joint Chiefs of Staff, summarizing his findings after a visit to South Vietnam immediately following the Tet Offensive in 1968. The report is dated February 27, 1968.)*

SUMMARY

The current situation in Vietnam is still developing and fraught with opportunities as well as dangers.

There is no question in the mind of MACV that the enemy went all out for a general offensive and general uprising and apparently believed that he would succeed in bringing the war to an early, successful conclusion.

The enemy failed to achieve his initial objective but is continuing his effort. Although many of his units were badly hurt, the judgment is that he has the will and the capability to continue.

Enemy losses have been heavy; he has failed to achieve his prime objectives of mass uprisings and capture of a large number of the capital cities and towns. Morale in enemy units which were badly mauled or where the men were oversold the idea of a decisive victory at TET probably has suffered severely. However, with replacements, his indoctrination system would seem capable of maintaining morale at a generally adequate level. His determination appears to be unshaken.

The enemy is operating with relative freedom in the countryside, probably recruiting heavily and no doubt infiltrating NVA units and personnel. His recovery is likely to be rapid; his supplies are adequate; and he is trying to maintain the momentum of his winter-spring offensive.

The structure of the GVN held up, but its effectiveness has suffered.

The RVNAF held up against the initial assault with gratifying, and in a way surprising, strength and fortitude. However, ARVN is now in a defensive posture around towns and cities and there is concern about how well they will bear up under sustained pressure.

The initial attack nearly succeeded in a dozen places, and defeat in those places was only averted by the timely reaction of US forces. In short, it was a very near thing.

There is no doubt that RD Program has suffered a severe setback.

US forces have lost none of their pre-TET capability. . . .

THE SITUATION TODAY: ENEMY CAPABILITIES

The enemy has been hurt badly in the populated lowlands, but is practically intact elsewhere. He committed over 67,000 combat maneuver forces plus perhaps 25% or 17,000 more impressed men and boys, for a total of about 84,000. He lost 40,000 killed, at least 3,000 captured, and perhaps 5,000 disabled or died of wounds. He had peaked his force total to about 240,000 just before TET, by hard recruiting, infiltration, civilian impressment, and drawdowns on service and guerrilla personnel. So he has lost about one fifth of his total strength. About two-thirds of his trained, organized unit strength can continue offensive action. He is probably infiltrating and recruiting heavily in the countryside while allied forces are securing the urban areas.

The enemy has adequate munitions, stockpiled in-country and available through the DMZ, Laos, and Cambodia, to support major attacks and countrywide pressure; food procurement may be a problem. Besides strength losses, the enemy now has morale and training problems which currently limit combat effectiveness of VC guerrilla, main and local forces.

GVN STRENGTH AND EFFECTIVENESS

(1) Psychological—The people in South Vietnam were handed a psychological blow, particularly in the urban areas where the feeling of security had been strong. There is a fear of further attacks.

(2) The structure of the Government was not shattered and continues to function but at greatly reduced effectiveness.

(3) In many places, the RD program has been set back badly. In other places the program was untouched in the initial stage of the offensive. MACV reports that of the 555 RD cadre groups, 278 remain in hamlets, 245 are in district and province towns on security duty, while 32 are unaccounted for. It is not clear as to when, or even whether, it will be possible to return to the RD program in its earlier form. As long as the VC prowl the countryside, it will be impossible, in many places, even to tell exactly what has happened to the program.

(4) Refugees—An additional 470,000 refugees were generated during the offensive. The problem of caring for refugees is part of the larger problem of reconstruction in the cities and towns. It is anticipated that the care and reestablishment of the 250,000 persons or 50,000 family units who have lost their homes will require from GVN sources the expenditure of 500 million piasters for their temporary care and resettlement plus an estimated 30,000 metric tons of rice . . .

US STRATEGY

MACV believes that the central thrust of our strategy now must be to defeat the enemy offensive and that if this is done well, the situation overall will be greatly improved over the pre-TET condition.

MACV accepts the fact that its first priority must be the security of Government of Vietnam in Saigon and provincial capitals. MACV describes its objectives as . . .

(1) Security of Cities and Government. MACV recognizes that US forces will be required to reinforce and support RVNAF in the security of cities, towns and government structure. At this time, 10 US battalions are operating in the environs of Saigon. It is clear that this task will absorb a substantial portion of US forces.

(2) Security in the Countryside. To a large extent the VC now control the countryside. Most of the 54 battalions formerly providing security for pacification are now defending district or province towns. MACV estimates that US forces will be required in a number of places to assist and encourage the Vietnamese Army to leave the cities and towns and reenter the country. This is especially true in the Delta.

(3) Defense of the borders, the DMZ and the northern provinces. MACV considers that it must meet the enemy threat in I Corps and has already deployed there slightly over 50% of all US maneuver battalions. US forces have been thinned out in the highlands, notwithstanding an expected enemy offensive in the early future.

(4) Offensive Operations. Coupling the increased requirement for the defense of the cities and subsequent reentry into the rural areas, and the heavy requirement for defense

of the I Corps, MACV does not have adequate forces at this time to resume the offensive in the remainder of the country, nor does it have adequate reserves against the contingency of simultaneous large-scale enemy offensive action throughout the country.

(5) Force Requirements. Forces currently assigned to MACV . . . are inadequate in numbers and balance to carry out the strategy and to accomplish the tasks described above in the proper priority. To contend with, and defeat, the new enemy threat, MACV has stated requirements for forces over the 525,000 ceiling imposed by Program Five. The add-on requested totals 206,756 spaces for a new proposed ceiling of 731,756, with all forces being deployed into country by the end of CY 68.

WHAT DOES THE FUTURE HOLD?

We see the enemy pursuing a reinforced offensive to enlarge his control throughout the country and keep pressures on the government and allies. We expect him to maintain strong threats in the DMZ area, at Khe Sanh, in the highlands, and at Saigon, and to attack in force when conditions seem favorable. He is likely to try to gain control of the country's northern provinces. He will continue efforts to encircle cities and province capitals, to isolate and disrupt normal activities, and infiltrate them to create chaos. He will seek maximum attrition of RVNAF elements. Against US forces, he will emphasize attacks by fire on airfields and installations, using assaults and ambushes selectively. His central objective continues to be the destruction of the Government of SVN and its armed forces. As a minimum he hopes to seize sufficient territory and gain control of enough people to support establishment of the groups and committees he proposes for participation in a NLF dominated government.

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SOVIETS REFUSED TO CARRY PEACE FEELER TO HANOI

(By Darius S. Jhabvala, Globe Staff)

The Soviet Union, evidently concerned about adverse reactions from Communist China, refused to assist the United States in getting across a message to Hanoi in 1965. The message, first mentioned by Secretary of State Dean Rusk to Soviet Ambassador Anatoly Dobrynin, was sent to Foy Kohler, the US ambassador in Moscow, for transmission to the North Vietnamese Embassy and to the Soviet Foreign Ministry. It informed the Communist side that "for a period beginning at noon, Washington time, Wednesday, May 12, and running into the next week," there were to be no air attacks on North Vietnam.

This decision was reached after there were "repeated suggestions from various quarters . . . that there could be no progress towards peace while there were air attacks."

However, the message clearly pointed out that the United States "will be very watchful to see whether in this period of pause there are any significant reductions in such armed actions by such (North Vietnamese—Viet Cong) forces." The North Vietnamese Embassy formally refused to accept the message which was delivered by a special messenger. But when Kohler sought the cooperation of the Russians at a face-to-face meeting with Deputy Foreign Minister Nikolai P. Firyubin, he was told: "I am not a postman." According to a message from Kohler to the State Department, Firyubin added that the United States "could find our own ways of transmitting messages."

An extensive and detailed report of the American effort to involve the Russians in what then appeared as a peacemaking mission is part of the Defense Department's history of the Vietnam war that is now available to The Boston Globe.

The report reveals the details of the message Washington wished to get across to Hanoi via Moscow, instructions for Kohler, the gist of Rusk's conversation with Dobrynin and a somewhat lengthy appraisal by Kohler of the Soviet attitude.

Despite the refusal to accept the American message, Kohler seemed confident that Hanoi had received word but refused to respond as Washington had desired.

According to the Defense Department's documents, Kohler was instructed to emphasize that the bombing pause should not be misunderstood "as an indication of weakness" and "it would be necessary to demonstrate more clearly than ever, after the pause ended, that the US is determined not to accept aggression without reply in Vietnam.

"Moreover, the United States must point out that the decision to end air attacks for this limited trial period is one which it must be free to reverse if at any time in the coming days there should be actions by the other side in Vietnam which required immediate reply," the message to Kohler added.

When Rusk explained the substance of the message to Dobrynin, the latter "noted we were merely informing the Soviets." Accordingly, Rusk's report points out, he "was clearly relieved we are not asking them to act as intermediary."

"Dobrynin said he thought we could get some answer but could not predict what," Rusk informed Kohler. Kohler, upon receiving the secretary's instructions, directed an aide to phone the North Vietnamese embassy to request an urgent appointment, but he was turned down because of the lack of diplomatic relations between the two countries.

Kohler asked Washington for further instructions. He was told to approach the Soviet Foreign Ministry and to transmit the message by letter to Hanoi's embassy, but the letter was returned the following morning (May 13) "in a plain envelope addressed simply Embassy of USA."

At his meeting with Firyubin, Kohler was told that the Russians viewed the communication "as based on an erroneous conception on which the US has proceeded."

"Firyubin could only view the communication as repetition of the threat against the DRV (Democratic Republic of Vietnam—North Vietnam)—now a threat of renewed and expanded aggression. This was the only way he could interpret the reference to the risk that a suspension of the attacks involved. Obviously we are suffering from a gross misunderstanding if we think that such aggression will go unpunished, without response," Kohler reported Firyubin had implied.

After the oral exchange, Firyubin said flatly, according to the Kohler advisory, "the Soviet government will not transmit the US government's message to the DRV, that the DRV had not requested the service and that it was the US responsibility to find a convenient way of passing the message."

After further reflection on his meeting with Firyubin, Kohler sent a follow-up message to Washington in which he sought to present the Soviet position "with some sympathy and to promote an understanding of the Soviet rebuff."

"On the one hand, I was annoyed at the apparent Soviet rebuff of an effort to take heat out of admittedly dangerous situation in Southeast Asia and impatient with the flimsy rationale for Soviet refusal offered by Firyubin. On the other hand, I could understand, if not sympathize with, Soviet sensitivity, given Chicom (Chinese Communist) eagerness to adduce proof of their charges of collusion against Soviets and, frankly, given rather strenuous nature of the document they were being asked to transmit to DRV," Kohler messaged Washington. He went on to add his hope that "we would not regard Firyubin's reaction . . . as evidence of conscious hardening of Soviet attitude."

"It may be a reflection of the bind the Soviets find themselves in at the moment," he added.

Kohler, aware that the State Department was then trying to send the same message via the British consul in Hanoi, proposed "a shorter and revised wording."

"If cast in present form, I think we are simply inviting rebuff and Exercise-Hanoi would prove as fruitless as our efforts in Moscow," he argued. Kohler was overruled and the second delivery was returned, ostensibly unopened.

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(From the Washington Post, Outlook, June 20, 1971)

VIETNAM: NOBODY WROTE THE LAST ACT

(By Leslie H. Gelb)

*(A former Pentagon official, Gelb is now a senior fellow at the Brookings Institution, writing a history of U.S. involvement in Vietnam from 1940 to 1966. He was director of the Pentagon analytical compilation of documents on Vietnam which were the basis for recent articles in The New York Times and The Washington Post. The article below is excerpted with permission from Foreign Policy quarterly. Gelb's conclusions are based on two years of independent research since leaving government service. They are documented in the historical section of his Foreign Policy article which we are not reprinting.)*

The story of U.S. policy toward Vietnam is either far better or far worse than generally supposed. Our Presidents and most of those who influenced their decisions did not stumble step by step into Vietnam, unaware of the quagmire. U.S. involvement did not stem from a failure to foresee consequences.

Vietnam was indeed a quagmire, but most of our leaders knew it. Of course there were optimists and periods where many were genuinely optimistic. But those periods were infrequent and short-lived and were invariably followed by periods of deep pessimism.

Very few, to be sure, envisioned what the Vietnam situation would be like by 1968. Most realized, however, that "the light at the end of the tunnel" was very far away—if not finally unreachable. Nevertheless, our Presidents persevered. Given international compulsions to "keep our word" and "save face," domestic prohibitions against "losing," and their personal stakes, our leaders did "what was necessary," did it about the way they wanted, were prepared to pay the costs, and plowed on with a mixture of hope and doom. They "saw" no acceptable alternative.

Three propositions suggest why the United States became involved in Vietnam, why the process was gradual, and what the real expectations of our leaders were:

First, U.S. involvement in Vietnam is not mainly or mostly a story of step by step, inadvertent descent into unforeseen quicksand. It is primarily a story of why U.S. leaders considered that it was vital not to lose Vietnam by force to communism. Our leaders believed Vietnam to be vital not for itself, but for what they thought its "loss" would mean internationally and domestically. Previous involvement made further involvement more unavoidable, and, to this extent, commitments were inherited. But judgments of Vietnam's "vitalness"—beginning with the Korean War—were sufficient

in themselves to set the course for escalation.

Second, our Presidents were never actually seeking a military victory in Vietnam. They were doing only what they thought was minimally necessary at each stage to keep Indochina, and later South Vietnam, out of Communist hands. This forced our Presidents to be brakemen, to do less than those who were urging military victory and to reject proposals for disengagement. It also meant that our Presidents wanted a negotiated settlement without fully realizing (though realizing more than their critics) that a civil war cannot be ended by political compromise.

Third, our Presidents and most of their lieutenants were not deluded by optimistic reports of progress and did not proceed on the basis of wishful thinking about winning a military victory in South Vietnam. They recognized that the steps they were taking were not adequately to win the war and that unless Hanoi relented, they would have to do more and more. Their strategy was to persevere in the hope that their will to continue—if not the practical effects of their actions—would cause the Communists to relent.

Each of these propositions is explored below.

### I. "WE CAN'T AFFORD TO LOSE"

Those who led the United States into Vietnam did so with their eyes open, knowing why, and believing they had the will to succeed. The deepening involvement was not inadvertent, but mainly deductive. It flowed with sureness from the perceived stakes and attendant high objectives.

U.S. policy displayed remarkable continuity. There were not dozens of likely "turning points." Each postwar President inherited previous commitments. Each extended these commitments. Each administration from 1947 to 1969 believed that it was necessary to prevent the loss of Vietnam and, after 1954, South Vietnam by force to the Communists.

The reasons for this varied from person to person, form bureaucracy to bureaucracy, over time and in emphasis. For the most part, however, they had little to do with Vietnam itself. A few men argued that Vietnam had intrinsic strategic military and economic importance, but this view never prevailed. The reasons rested on broader international, domestic, and bureaucratic considerations.

Our leaders gave the international repercussions of "losing" as their dominant explicit reason for Vietnam's importance. During the Truman administration, Indochina's importance was measured in terms of French-American relations and Washington's desire to rebuild France into the centerpiece of future European security. After the cold war heated up and after the fall of China, a French defeat in Indochina was also seen as a defeat for the policy of containment. In the Eisenhower years, Indochina became a "testing ground" between the Free World and Communism and the basis for the famous "domino theory" by which the fall of Indochina would lead to the deterioration of American security around the globe.

President Kennedy publicly reaffirmed the falling domino concept. His primary concern, however, was for his "reputation for action" after the Bay of Pigs fiasco, the Vienna meeting with Khrushchev, and the Laos crisis, and in meeting the challenge of "wars of national liberation" by counter-insurgency warfare. Under President Johnson, the code-word rationales became Munich, credibility, commitments and the U.S. word, a watershed test of wills with communism, raising the costs of aggression, and the principle that armed aggression shall not be allowed to succeed. There is every reason to assume that our leaders actually believed what they said, given both the cold war context in which they were all reared and the lack of contradictory evidence.

With very few exceptions, then, our leaders since World War II saw Vietnam as a vital factor in alliance politics, U.S.-Soviet-Chinese relations, and deterrence. This was as true in 1950 and 1954 as it was in 1961 and 1965. The record of United States military and economic assistance to fight communism in Indochina tells this story quite clearly. From 1945 to 1951, U.S. aid to France totaled over $3.5 billion. Without this, the French position in Indochina would have been untenable. By 1951, the U.S. was paying about 40 per cent of the costs of the Indochina war and our share was going up. In 1954, it is estimated, U.S. economic and technical assistance amounted to $703 million and military aid totaled almost $2 billion. This added up to almost 80 per cent of the total French costs.

From 1955 to 1961, U.S. military aid averaged about $200 million per year. This made South Vietnam the second largest recipient of such aid, topped only by Korea. By 1963, South Vietnam ranked first among recipients of military assistance. In economic assistance, it followed only India and Pakistan.

### FEARS ON THE HOME FRONT

The domestic repercussions of "losing" Vietnam probably were equally important in presidential minds. Letting Vietnam "go Communist" was undoubtedly seen as:

Opening the floodgates to domestic criticism and attack for being "soft on communism" or just plain soft;

Dissipating presidential influence by having to answer these charges;

Alienating conservative leadership in Congress and thereby endangering the President's legislative program;

Jeopardizing election prospects for the President and his party;

Undercutting domestic support for a "responsible" U.S. world role; and

Enlarging the prospects for a right-wing reaction—the nightmare of a McCarthyite garrison state.

U.S. domestic politics required our leaders to maintain both a peaceful world and one in which Communist expansion was stopped. In order to have the public support necessary to use force against communism, our leaders had to employ strong generalized, ideological rhetoric.

The price of this rhetoric was consistency. How could our leaders shed American blood in Korea and keep large numbers of American troops in Europe at great expense unless they were also willing to stop communism in Vietnam?

Bureaucratic judgments and stakes were also involved in defining U.S. interests in Vietnam. Most bureaucrats probably prompted or shared the belief of their leaders about the serious repercussions of losing Vietnam. Once direct bureaucratic presence was established after the French departure, this belief was reinforced and extended. The military had to prove that American arms and advice could succeed where the French could not. The Foreign Service had to prove that it could bring about political stability in Saigon and "build a nation." The CIA had to prove that pacification would work. AID had to prove that millions of dollars in assistance and advice could bring political returns.

### A BROAD COMMITMENT

The U.S. commitment was rationalized as early as 1950. It was set in 1955 when we replaced the French. Its logic was further fulfilled by President Kennedy. After 1965, when the United States took over the war, it was immeasurably hardened.

There was little conditional character to the U.S. commitment—except for avoiding "the big war." Every President talked about the ultimate responsibility resting with the Vietnamese (and the French before them). This "condition" seems to have been meant much more as a warning to our friends than a real limitation. In every crunch, it was swept aside. The only real limit applied to Russia and China. Our leaders were not prepared to run the risks of nuclear war or even the risks of a direct conventional military confrontation with the Soviet Union and China. These were separate decisions. The line between them and everything else done in Vietnam always held firm. With this exception, the commitment was always defined in terms of the objective to deny the Communists control over all Vietnam. This was further defined to preclude coalition governments with the Communists.

The importance of the objective was evaluated in terms of cost, and the perceived costs of disengagement outweighed the cost of further engagement. Some allies might urge disengagement, but then condemn the United States for doing so. The domestic groups which were expected to criticize growing involvement always were believed to be outnumbered by those who would have attacked "cutting and running."

The question of whether our leaders would have started down the road if they knew this would mean over half a million men in Vietnam, over 40,000 U.S. deaths, and the expenditure of well over $100 billion is historically irrelevant. Only Presidents Kennedy and Johnson had to confront the possibility of these large costs. The point is that each administration was prepared to pay the costs it could foresee for itself. No one seemed to have a better solution. Each could at least pass the baton on to the next.

"Vietnam grew into a test case of U.S. credibility—to opponents, to allies, but perhaps most importantly, to ourselves."

Presidents could not treat Vietnam as if it were "vital" without creating high stakes internationally, domestically, and within their own bureaucracies. But the rhetoric conveyed different messages:

To the Communists, it was a signal that their actions would be met by counteractions.

To the American people, it set the belief that the President would ensure that the threatened nation did not fall into Communist hands—although without the anticipation of sacrificing American lives.

To the Congress, it marked the President's responsibility to ensure that Vietnam did not go Communist and maximized incentives for legislators to support him or at least remain silent.

To the U.S. professional military, it was a promise that U.S. forces would be used, if necessary and to the degree necessary, to defend Vietnam.

To the professional U.S. diplomat, it means letting our allies know that the United States cared about their fate.

To the President, it laid the groundwork for the present action and showed that he was prepared to take the next step to keep Vietnam non-Communist.

Words were making Vietnam into a showcase—an Asian Berlin. In the process, Vietnam grew into a test case of U.S. credibility—to opponents, to allies, but perhaps most importantly, to ourselves. Public opinion polls seemed to confirm the political dangers. Already established bureaucratic judgments about the importance of Vietnam matured into cherished convictions and organizational interests. The war dragged on.

Each successive President, initially caught by his own belief, was further ensnarled by

his own rhetoric, and the basis for the belief went unchallenged. Debates revolved around how to do things better, and whether they could be done, not whether they were worth doing.

Prior to 1961, an occasional senator or Southeast Asian specialist would raise a lonely and weak voice in doubt. Some press criticism began thereafter. And later still, wandering American minstrels returned from the field to tell their tales of woe in private. Gen. Matthew Ridgway as Chief of Staff of the Army in 1954 questioned the value of Vietnam as against its potential costs and dangers, and succeeded in blunting a proposed U.S. military initiative, although not for the reasons he advanced. Under Secretary of State George Ball raised the issue of international priorities in the summer of 1965 and lost. Clark Clifford as secretary of defense openly challenged the winnability of the war, as well as Vietnam's strategic significance, and argued for domestic priorities. But no systematic or serious examination of Vietnam's importance to the United States was ever undertaken within the government. Endless assertions passed for analysis. Presidents neither encouraged nor permitted serious questioning, for to do so would be to foster the idea that their resolve was something less than complete. The objective of a non-Communist Vietnam, and after 1954 a non-Communist South Vietnam, drove U.S. involvement ever more deeply each step of the way.

II. "TAKE THE MINIMAL STEPS"

None of our Presidents was seeking total victory over the Vietnamese Communist. War critics who wanted victory always knew this. Those who wanted the United States to get out never believed it. Each President was essentially doing what he thought was minimally necessary to prevent a Communist victory during his tenure in office. Each, of course, sought to strengthen the anti-Communist Vietnamese forces, but with the aim of a negotiated settlement.

Part of the tragedy of Vietnam was that the compromises our Presidents were prepared to offer could never lead to an end of the war. These preferred compromises only served to reinforce the conviction of both Communist and anti-Communist Vietnamese that they had to fight to the finish in their civil war. And so, more minimal steps were always necessary.

Our Presidents were pressured on all sides. The pressures for victory came mainly from the inside and were reflected on the outside. From inside the administrations, three forces almost invariably pushed hard. First, the military establishment generally initiated requests for broadening and intensifying U.S. military action. Our professional military placed great weight on the strategic significance of Vietnam; they were given a job to do; their prestige was involved; and of crucial importance (in the 1960s)—the lives of many American servicemen were being lost. The Joint Chiefs of Staff, the MAAG (Military Assistance Advisory Group) Chiefs and later the commander of U.S. forces in Vietnam were the focal points for these pressures.

Second, our ambassadors in Saigon, supported by the State Department, at times pressed for and often supported big steps forward. Their reasons were similar to those of the military. Thirdly, an ever-present group of "fixers" was making urgent demands to strengthen and broaden the Saigon government in order to achieve political victory. Every executive agency had its fixers. They were usually able men whose entire preoccupation was to make things better in Vietnam. From outside the administration, there were hawks who insisted on winning and hawks who wanted to "win or get out." Capitol Hill hawks, the conservative press, and, for many years, Catholic organizations were in the forefront.

The pressures for disengagement and for de-escalation derived mostly from the outside with occasional and often unknown allies from within. Small for most of the Vietnam years, these forces grew steadily in strength from 1965 onward. Isolated congressmen and senators led the fight. First they did so on anticolonialist grounds.

"Most of our leaders and their critics did see that Vietnam was a quagmire, but did not see that the real stakes—who shall govern Vietnam—were not negotiable."

Later their objections developed moral aspects (interfering in a civil war) and extended to nonwinnability, domestic priorities, and the senselessness of the war.

Peace organizations and student groups in particular came to dominate headlines and air time. Journalists played a critical role—especially through television reports. From within each administration, opposition could be found (1) among isolated military men who did not want the United States in an Asian land war, (2) among some State Department intelligence and area specialists who knew Vietnam and believed the U.S. objective was unattainable at any reasonable price, and (3) within the civilian agencies of the Defense Department and isolated individuals at State and CIA, particularly after 1966, whose efforts were trained on finding a politically feasible way out.

THE MIDDLE POSITION

Our Presidents reacted to the pressures as brakemen, pulling the switch against both the advocates of "decisive escalation" and the advocates of disengagement. The politics of the presidency largely dictated this role, but the personalities of the Presidents were also important. None were as ideological as many persons around them. All were basically centrist politicians.

Their immediate aim was always to prevent a Communist takeover. The actions they approved were usually only what was minimally necessary to that aim. Each President determined the "minimal necessity" by trial and error and his own judgment. They might have done more and done it more rapidly if they were convinced that (1) the threat of a Communist takeover were more immediate, (2) U.S. domestic politics would have been more permissive, (3) the government of South Vietnam had the requisite political stability and military potential for effective use, and (4) the job really would have gotten done. After 1965, however, the minimal necessity became the maximum they could get given the same domestic and international constraints.

The tactic of the minimally necessary decision makes optimum sense for the politics of the presidency. Even our strongest Presidents have tended to shy away from decisive action. It has been too uncertain, too risky. They derive their strength from movement (the image of a lot of activity) and building and neutralizing opponents. Too seldom has there been forceful moral leadership; it may even be undemocratic. The small step that maintains the momentum gives the President the chance to gather more political support. It gives the appearance of minimizing possible mistakes. It allows time to gauge reactions. It serves as a pressure-relieving valve against those who want to do more. It can be doled out. Above all, it gives the President something to do next time.

The tactic makes consummate sense when it is believed that nothing will fully work or that the costs of a "winning" move would be too high. This was the case with Vietnam. This decision-making tactic explains why the U.S. involvement in Vietnam was gradual and step by step.

While the immediate aim was to prevent a Communist victory and improve the position of the anti-Communists, the longer-term goal was a political settlement. As late as February 1947, Secretary of State George Marshall expressed the hope that "a pacific basis of adjustment of the difficulties" between France and the Vietminh could be found. After that, Truman's policy hardened, but there is no evidence to suggest that until 1950 he was urging the French not to settle with the Vietnamese Communists. Eisenhower, it should be remembered, was the President who tacitly agreed (by not intervening in 1954) to the creation of a Communist state in North Vietnam. President Kennedy had all he could do to prevent complete political collapse in South Vietnam. He had, therefore, little basis on which to compromise.

President Johnson inherited this political instability, and to add to his woes, he faced in 1965 what seemed to be the prospect of a Communist military victory. Yet, by his standing offer for free and internationally supervised elections, he apparently was prepared to accept Communist participation in the political life of the South.

By traditional diplomatic standards of negotiations between sovereign states, these were not fatuous compromises. One compromise was, in effect, to guarantee that the Communists could remain in secure control of North Vietnam. The United States would not seek to overthrow this regime. The other compromise was to allow the Communists in South Vietnam to seek power along the lines of Communist parties in France and Italy, i.e. to give them a "permanent minority position."

DIPLOMACY COULDN'T WORK

But the real struggle in Vietnam was not between sovereign states. It was among Vietnamese. It was a civil war and a war for national independence.

Herein lies the paradox and the tragedy of Vietnam. Most of our leaders and their critics did see that Vietnam was a quagmire, but did not see that the real stakes—who shall govern Vietnam—were not negotiable. Free elections, local sharing of power, international supervision, cease-fires—none of these could serve as a basis for settlement. What were legitimate compromises from Washington's point of view were matters of life and death to the Vietnamese. For American leaders, the stakes were "keeping their word" and saving their political necks. For the Vietnamese, the stakes were their lives and their lifelong political aspirations. Free elections meant bodily exposure to the Communist guerrillas and likely defeat to the anti-Communists. The risk was too great. There was no trust, no confidence.

The Vietnam war could no more be settled by traditional diplomatic compromises than any other civil war. President Lincoln could not settle with the South. The Spanish Republicans and General Franco's Loyalists could not have conceivably mended their fences by elections. None of the post-World War II insurgencies—Greece, Malaya, and the Philippines—ended with a negotiated peace. In each of these cases, the civil differences were put to rest—if at all—only by the logic of war.

It is commonly acknowledged that Vietnam would have fallen to the Communists in 1945–46, in 1954, and in 1965 had it not been for the intervention of first the French and then the Americans. The Vietnamese Communists, who were also by history the Vietnamese nationalists, would not accept only part of a prize for which they had paid so heavily. The anti-Communist Vietnamese

protected by the French and the Americans would not put themselves at the Communists' mercy.

It may be that our Presidents understood this better than their critics. The critics, especially on the political left, fought for "better compromises," not realizing that even the best could not be good enough, and fought for broad nationalist governments, not realizing there was no middle force in Vietnam. Our Presidents, it seems, recognized that there was no middle ground and that "better compromises" would frighten our Saigon allies without bringing about a compromise peace. And they believed that a neutralization formula would compromise South Vietnam away to the Communists. So the longer-term aim of peace repeatedly gave way to the immediate needs of the war and the next necessary step.

III. "WE MUST PERSEVERE"

Each new step was taken not because of wishful thinking or optimism about its leading to a victory in South Vietnam. Few of our leaders thought that they could win the war in a conventional sense or that the Communists would be decimated to a point that they would simply fade away.

*"It was and is a civil war for national independence. It was and is a Greek tragedy."*

Even as new and further steps were taken, coupled with expressions of optimism, many of our leaders realized that more—and still more—would have to be done. Few of these men felt confident about how it would all end or when. After 1965, however, they allowed the impression of "winnability" to grow in order to justify their already heavy investment and domestic support for the war.

The strategy always was to persevere. Perseverance, it seemed, was the only way to avoid or postpone having to pay the domestic political costs of failure. Finally, perseverance, it was hoped, would convince the Communists that our will to continue was firm. Perhaps, then, with domestic support for perseverance, with bombing North Vietnam, and with inflicting heavy casualties in the South, the Communists would relent. Perhaps, then, a compromise could be negotiated to save the Communists' face without giving them South Vietnam.

Optimism was a part of the "gamesmanship" of Vietnam. It had a purpose. Personal organizational optimism was the product of a number of motivations and calculations:

Career services tacitly and sometimes explicitly pressured their professionals to impart good news.

Good news was seen as a job well done; bad news a personal failure.

The reporting system was set up so that assessments were made by the implementers.

Optimism bred optimism so that it was difficult to be pessimistic this time if you were optimistic the last time.

People told their superiors what they thought they wanted to hear.

The American ethic is to get the job done.

Policy optimism also sprang from several rational needs.

To maintain domestic support for the war.

To keep up the morale of our Vietnamese allies and build some confidence and trust between us and them.

To stimulate military and bureaucratic morale to work hard.

There were, however, genuine optimists and grounds for genuine optimism. Some periods looked promising; the year preceding the French downfall at Dienbienphu; the years of the second Eisenhower presidency when most attention was riveted on Laos and before the insurgency was stepped up in South Vietnam; 1962 and early 1963 before the strategic hamlet pacification program collapsed; and the last six months of 1967 before the 1968 Tet offensive.

Many additional periods by comparison with previous years yielded a sense of real improvement. By most conventional standards—the size and firepower of friendly Vietnamese forces, the number of hamlets pacified, the number of "free elections" being held, the number of Communists killed, and so forth—reasonable men could and did think in cautiously optimistic terms.

But comparison with years past is an illusory measure when it is not coupled with judgments about how far there still is to go and how likely it is that the goal can even be reached. It was all too easy to confuse short-term breathing spells with long-term trends and to confuse "things getting better" with "winning." Many of those who had genuine hope suffered from either a lack of knowledge about Vietnam or a lack of sensitivity toward politics or both.

HOPE BORN OF DISBELIEF

The basis for pessimism and the warning signals were always present. Public portrayals of success glowed more brightly than the full range of classified reporting. Readily available informal and personal accounts were less optimistic still. The political instability of our Vietnamese allies—from Bao Dai through Diem to President Thieu—have always been apparent. The weaknesses of the armed forces of our Vietnamese allies were common knowledge. Few years went by when the fighting did not gain in intensity. Our leaders did not have to know much about Vietnam to see all this.

Most of our leaders saw the Vietnam quagmire for what it was. Optimism was, by and large, put in perspective. This means that many knew that each step would be followed by another. Most seemed to have understood that more resistance would be required either to improve the relative position of our Vietnamese allies or simply to prevent a deterioration of their position. Almost each year and often several times a year, key decisions had to be made to prevent deterioration or collapse. These decisions were made with hard bargaining, but rapidly enough for us now to perceive a preconceived consensus to go on. Sometimes several new steps were decided at once, but announced and implemented piecemeal. The whole pattern conveyed the feeling of more to come.

With a tragic sense of "no exit," our leaders stayed their course. They seemed to hope more than expect that something would "give." The hope was to convince the Vietnamese Communists through perseverance that the United States would stay in South Vietnam until they abandoned their struggle. The hope, in a sense, was the product of disbelief. How could a tiny, backward Asian country not have a breaking point when opposed by the might of the United States? How could they not relent and negotiate with the United States?

And yet, few could answer two questions with any confidence: Why should the Communists abandon tomorrow the goals they had been paying so dear a price to obtain yesterday? What was there really to negotiate? No one seemed to be able to develop a persuasive scenario on how the war could end by peaceful means.

Our Presidents, given their politics and thinking, had nothing to do but persevere. But the Communists' strategy was also to persevere, to make the United States go home. It was and is a civil war for national independence. It was and is a Greek tragedy.

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## WHAT IS IN A NAME?—MONEY

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### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. ROSENTHAL. Mr. Speaker, part of what we are paying for in the high price of food today is intangible and inedible. It is advertising.

Alert consumers know they often can get a better buy when they select the house brand over a nationally advertised label.

Thomas R. Morris, consumer reporter for the Rochester Democrat & Chronicle, has attempted to test the viability of this idea. He has looked into the differences in price as well as the question of whether there is more liquid and less food in the private label cans.

Mr. Morris' investigation reveals private brands tested contained about 1 percent less food but cost more than 13 percent less than name brands.

I am inserting his articles in the RECORD in the interest of helping consumers get the best buy for their money:

[From the Rochester (N.Y.) Democrat & Chronicle, June 7, 1971]

WHAT'S IN A NAME?—MONEY—DOES HIGHER PRICE MEAN BETTER FOOD?

(By Thomas R. Morris)

A Democrat & Chronicle comparison survey of grocery products at local supermarkets shows that some consumers pay measurably higher prices for "name brands."

Private label foods are often as much as 25 per cent lower in price.

Are some shoppers paying more just for advertising, or is there a difference in quality? Supermarket and food processing company spokesmen gave conflicting answers.

"The point to remember is that private label packers generally base their standards on either government regulations or—when there aren't any—the specifications of the leading brands," a spokesman for Star Supermarkets said.

"Plus," he said, "keep in mind that many of the larger packing houses like Heinz also pack private labels.

"Our baby food," he said, "is packed by Heinz, even though the label says Food Club."

The H. J. Heinz Co. agrees that advertising costs are a large factor in the price differences.

"Another substantial reason is the increased expense for a national company to distribute its products," a spokesman said. "The costs of moving products from here in Pittsburgh to Rochester or cities like San Francisco on the west coast are not low," he said.

Del Monte Corp. refused to comment on the price differences.

"Without advertising, our sales would be lower," a French's spokesman said. "The higher sales bring in money that helps us operate more efficiently because we can offer a wide range of technical functions to assure excellent quality control," he said.

The D&C contacted Del Monte, Green Giant, French's and Heinz because many of the name brands purchased in the survey were their products.

Weldon Jacobson, product marketing manager of Green Giant, said research and development of new products ranks as high as advertising and quality control.

"Private labels don't come out with new products, but national brands have extensive investments in development—like Green Giant's boil-in-the-bag vegetables in the 1950s. Private-label packers didn't compete with us on that for five or six years," he said.

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[From the Rochester (N.Y.) Democrat & Chronicle, June 7, 1971]

SHOPPING PRIVATE LABELS CAN SAVE

A quick way to cut food costs by as much as 10 per cent or more is to buy private label supermarket foods like Staff, Food Club, Ann Page or Orchard Park instead of heavily advertised brand names like Heinz, Del Monte or Green Giant.

A survey of 31 items—literally from soup to nuts—in the four major grocery chains here showed an average savings of 13.8 per cent when private labels were substituted for brand name products.

A penny here, a penny there, a nickel here or a dime there for house brands added up to a $2.09 savings over brand names that totaled $15.47.

Private label products of the same size, weight and general description cost $13.38.

For example, private label tuna and brand name tuna of the same type (albacore) in the same size can (7 oz.) were bought in the same store. Bumble Bee cost 65 cents. A&P's house brand cost 49, about 23 per cent less.

A pound of Land O Lakes butter—rated AA by the U.S. Department of Agriculture—was selling for 83 cents at Loblaws. The Loblaw private label Orchard Park butter—also rated AA by the USDA and also cut into four sticks per package—cost 79 cents at the same store the same night.

So the Land O Lakes butter cost 4.8 per cent more.

At the same Loblaw store Rich's non-dairy coffee creamer cost a quarter for a 16 ounce container. Orchard Park creamer cost 20 cents, or 25 per cent less.

A 16 ounce bottle of Heinz cider vinegar cost 24 cents at a Wegman's store. The same store was selling the same size Staff house brand cider vinegar for 18 cents, or 25 per cent less.

A pound of Chock full o'Nuts coffee at an A&P was selling for 99 cents. A&P's Eight O'Clock Coffee, also for electric percolators, cost 81 cents a pound.

At a Star Supermarket French's ground black pepper in a two-ounce tin was selling for 33 cents. The Food Club pepper in the same size was selling for 8 cents less—a saving of 24.2 per cent.

That's what the survey found. It didn't include more items because the sizes had to match exactly. For example, Beech Nut baby food pears comes in a 7½ ounce jar, which isn't directly comparable to Food Club baby food pears in a 7¾ ounce jar.

COMPARE THESE PRICES

| Product | Name brand | Cost | House brand | Cost |
|---|---|---|---|---|
| Very small early peas, 17 oz, can | LeSueur | $0.35 | Food Club | $0.27 |
| Vanilla extract, 2 fl, oz., 35% alcohol. | French's | .49 | do | .43 |
| Loaf of bread, 16 oz | Wonder | .29 | Star | .26 |
| Olives, USDA large, pitted, 6 oz | Lindsay | .51 | Food Club | .49 |
| Ground black pepper, 2 oz | French's | .33 | do | .25 |
| Unpeeled apricots, 17 oz | Del Monte | .37 | do | .33 |
| Aluminum foil, 25 yards by 12 inches. | Reynold's | .79 | Staff | .73 |
| Dry roasted mixed nuts | Planter's | .89 | do | .79 |
| Cream cheese, 8 oz | Kraft | .35 | do | .31 |
| Canned peaches, 16 oz | Del Monte | .39 | do | .26 |
| Catsup, 20 oz. jar | Heinz | .39 | do | .33 |
| Bartlett pear halves, 16 oz | Del Monte | .39 | do | .35 |
| Pink salmon, one pound can | do | .89 | do | .87 |
| Honey, one pound jar | Sue Bee | .53 | do | .43 |
| Cider vinegar, 16 fl. oz | Heinz | .24 | do | .18 |
| USDA grade AA butter, one pound, | Land O' Lakes | .83 | Orchard Park | .79 |
| Gelatin, 3 oz. two boxes | Royal | .20 | do | .16 |
| Tomato sauce, 8 oz | Hunt's | $0.13 | do | $0.12 |
| Stewed Tomatoes, one pound can | Del Monte | .31 | do | .27 |
| Chili Sauce, 12 oz | Heinz | .38 | do | .33 |
| Apple sauce, 35 oz | Seneca | .47 | do | .45 |
| Chicken noodle soup, 10½ oz | Campbell | .17 | do | .16 |
| Non-dairy creamer, 16 oz | Rich's | .25 | do | .20 |
| Coffee for electric perc, one pound. | Chock full o' Nuts | .99 | A&P | .81 |
| Spaghetti sauce, 32 oz | Ragu | .69 | Ann Page | .65 |
| Elbow macaroni, 16 oz | Mueller's | .29 | do | .20 |
| Asparagus spears, two cans, ea. 15 oz. | Green Giant | 1.54 | A&P | 1.34 |
| Evaporated milk, 13 fluid oz | Pet | .19 | do | .17 |
| Albacore solid white tuna, 7 oz | Bumble Bee | .65 | do | .49 |
| Crunchy style peanut butter, 18 oz. | Jif | .69 | Ann Page | .59 |
| Tomato juice, 46 fluid oz | Hunt's | .49 | A&P | .37 |
| Total | | 15.47 | | 13.38 |

[From the Rochester Democrat & Chronicle, June 14, 1971]

HOW MUCH FOOD WAS IN CANS?

A Help! for the Consumer survey published last week showed 31 private label foods cost 13.8 per cent less than 31 brand name counterparts.

But what was in those private label cans? Much less food and much more syrup?

Tests last week by the Monroe County Weights and Measures department on six products showed there was only about one per cent less food in the private label cans that cost a total of 11.9 per cent less.

Cans of pears, apricots, olives, peas, asparagus and stewed tomatoes were drained of water and syrup and then weighed by Louis Romano, county sealer. Charles Tooker, a department statistician, kept the tally.

The largest spread in drained weights involved "16 ounce" cans of Bartlett pear halves.

The Wegman private label can of Staff that sold for 10 per cent less than the same sized Del Monte, had 17 per cent more pears in it—10½ ounces drained weight, compared with Del Monte's 8¾ ounces.

The Del Monte had one more pear section—seven slices compared with six—but Del Monte's total drained weight was less.

Lindsay and the Star private label of Food Club olives both had 6⅛ ounces of olives—slightly more than what both cans gave as the drained weight on the label. Both cans also were marked to contain at least 46 olives, and they did. Lindsay's can had 49 olives in it; Food Club's, 48.

Only in the case of pears was the difference in drained weights as much as an ounce. In the other four products, the brand name products did contain a little more food.

Del Monte stewed tomatoes, for example, had 4.7 per cent more food—three-quarters of an ounce more—than Orchard Park's can (distributed as the Loblaw house brand). Orchard Park cost 12.9 per cent less—27 cents, compared with Del Monte's 31 cents.

Food Club's unpeeled apricots in the 17-ounce can were five-eighths of an ounce lighter than Del Monte's version.

Food Club drained to 8⅞ ounces; Del Monte, 9½ ounces. Food Club cost 10.8 per cent less—33 cents compared with 37 cents.

And the private label peas (Food Club) and asparagus (A&P) contained a half-ounce less food than the brand name products by LeSueur and Green Giant, respectively. The Food Club peas, though, cost 23.1 per cent less than LeSueur, while the A&P asparagus cost about 13 per cent less than Green Giant.

Del Monte and Green Giant (which distributes both Green Giant and LeSueur) were among the food processors the D&C had asked to explain why private label products were so much cheaper. The processors said they spent more than private label distributors on advertising, quality control, shipping and the research and development of new products.

## LEST WE FORGET

### HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

Lt. Col. Donald E. Fisher, U.S. Air Force, [redacted], Halfway, Oreg. Married and the father of three children. Attended Oregon State University. Officially listed as missing December 29, 1967. As of today, Lieutenant Colonel Fisher has been missing in action in Southeast Asia for 1,270 days.

## THE CRUCIAL NEED OF MINORITY STAFFING

### HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. KEATING. Mr. Speaker, as a new Congressman the first series of floor votes that I participated in during January concerned the question of adequate staffing for minority members of the House committees. At that time I was unfamiliar of the crucial need of minority staffing.

Since January I have learned the handicap that the minority party works under when it does not have an efficient minority staff to perform the necessary research. The provision to give one-third of the committee staff to the minority members, which was included in the 1970 Legislative Reorganization Act, was an excellent idea. It was unfortunate that the majority party ignored the spirit

and the letter of the legislation and moved to block its adoption into the rules of the 92d Congress.

What is equally unfortunate is the manner in which the Democrats forced this measure on the House. By using the unit rule, the Democrats leadership forced all House Democrats to vote for this reversal of the Reorganization Act. This was a half-step back to the last century.

I strongly urge the adoption of the resolution introduced today to establish the right of the minority to an adequate staff of House Committees.

Through this measure I hope that we can correct the wrong made at the beginning of this session. If adopted the future sessions of Congress, no matter which party is in control, will be able to give minority members adequate committee staffing.

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## POLISH AMERICAN CONGRESS PARTICIPATES IN ETHNIC AFFAIRS CONFERENCE

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### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. ANNUNZIO. Mr. Speaker, today I received from Col. Casimir I. Lenard, executive director of the Polish American Congress, a release about his participation as a panelist in a week-long conference sponsored by the Center for Urban Ethnic Affairs at Catholic University in Washington, D.C. In his release, Colonel Lenard makes some very cogent remarks with reference to the part that all of us, as ethnics, must play in the future in order to help resolve the problems of America.

Through the centuries Poland has endured foreign domination and many hardships. Despite these hardships, and perhaps because of them, her people have developed a strong sense of nationality and feeling of pride in their ethnic origin and culture. They have brought to America a vast store of knowledge, and the conference in Washington, I know, has benefitted immensely from the contribution of the Polish Americans who attended.

All of us are familiar with and understand the great principles for which we fought in 1860. We are more aware today than ever before that a house divided against itself cannot stand. Yet, despite this awareness, 100 years later, the fight still continues and America is plagued by division and dissent. The American people must unite and must better understand each other if America is to remain powerful and the strongest bastion of democracy in the free world.

Too many of us are concerning ourselves with how the Communists and other self-interest groups feel instead of being concerned about what is best for America. The Polish American Congress has expressed its concern over the day-to-day issues confronting America by its participation in the conference. I want to congratulate Colonel Lenard and the Polish American Congress, both for their participation in this discussion and for making a constructive and worthwhile contribution in the best interests of all Americans.

The release follows:

[From Polish American Congress, Inc.]

POLONIA DEVELOPS NEW AWARENESS IN URBAN AND ETHNIC AFFAIRS

WASHINGTON, D.C./PAC.—Several outstanding members of the Polonia recently attended a week-long conference at The Catholic University in Washington. It was sponsored by the Center for Urban Ethnic Affairs, whose Director Monsignor Geno Baroni has been recognized as an early leader in social change efforts. The workshop brought together community leaders, educators, clergy, labor leaders, local government officials and representatives of ethnic American communities of Poles, Italians, Hungarians, Slavs and other Europeans.

Colonel Casimir I. Lenard, Executive Director of the Polish American Congress and one of the participants and panelists, summed up the week's activities by saying, "This workshop has brought forth the realization that the Polonia, as compared to other ethnic groups, has not squarely faced the vital issues which confront it in ethnic and community affairs."

"Too many Americans of Polish descent have been so occupied with inconsequential matters and infighting," he said, "that we have allowed other organizations and nationality groups to take the lead in speaking out on social and civic issues which pertain to us. We have been sitting back and waiting for others to do our work for us."

Lenard stated that the lectures, seminars, panel programs and speeches all pointed toward the fact that "the Polonia is not deeply enough involved—we must find a way to relate our community problems to issue of day-to-day America."

He spoke highly of the small group of Polish Americans who attended, and felt the meetings created an atmosphere in which it will be easier for them to now begin to help resolve local problems in their communities.

The Polish American Caucus, under the young and dynamic leadership of Ken Kuder of Detroit, presented a list of proposals to the Urban American Workshop on Ethnic and Working Class Priorities, which encompassed many of the vital problems besetting the Polonia. The group reaffirmed the basic values of the Polish heritage as expressed in its religion and family traditions. It was concerned with the image of Polish Americans in the United States today, stressed the importance of developing a strong self-image within the community, and recognizing the youth of Polonia as essential to this new image, involving them in all levels of all Polish organizations with full participation. The Caucus also requested more activity on the part of Polish American groups in forming a revitalized Polish-American Community through involvement in civic and social action. This would be done by strengthening the role of the Polish American Congress as the umbrella organization in taking initiative and leadership in social and culture development of the Polonia.

The proposals set forth by the Caucus covered the areas of working constructively together in order to achieve common goals; recognition of the older members of the community by upgrading their Social Security, supplying recreational activities, relief from excessive public utilities costs, and providing them with reasonable transportation facilities; that homes be made more easily available to the working class, ethnic American; that Federal and local programs creatively solve problems of the forgotten ethnic population by fostering greater awareness of existing problems; and establishing youth centers and neighborhood youth corps.

An important item presented by the Caucus members was federal funding for ethnic studies. The Caucus participants included Sr. M. Fidelia Chmiel, Operation Faith and Joy, Coraopolis, Pa.; Victor Jiompkowski, Wayne University Polish Club, Allen Park, Mich.; Dr. Richard Kolm, Catholic University, Washington; Mrs. Kathleen Kolm, Washington; Sr. Rosaire Kopczenski, Pittsburgh, Pa.; Rev. Arthur H. Krawczak, President Priests Conference for Polish Affairs, Warren, Mich.; Sr. Ellen Marie Kuznicki, Villa Maria College, Buffalo, N.Y.; Casimir I. Lenard, Washington; Rev. Philip S. Majka, Mt. Vernon, Va.; Sr. M. Bernadette Nowakowski, Urban Sisters' Center, New Britain, Conn.; Rev. George M. Rinkowski, St. Hedwig Church, Toledo, Ohio; Rev. Matt Sienkiewicz, Catholic Center, South Bend, Ind.; and Rev. Frederick V. Slota, St. Adelberts Church, Providence, R.I.

On the Workshop agenda was a Pastoral Services Task Force chaired by Rev. Philip S. Majka of Good Shepherd Church in Mt Vernon, Va. This task force discussed the unique pastoral needs of ethnic groups and requested the Center for Urban Ethnic Affairs "to investigate the possibilities of implementing the Apostolic Letter of Pope Paul VI (August 22, 1969)—'Instruction on the Pastoral Care of Migrants within certain ethnic and rural sections of the United States and thereby make the conceptual framework a living reality.'" Rev. Majko discussed the role of the American Clergyman in Ethnic Affairs.

Among the prominent individuals attending and addressing the Conference were Michael Novak, author and Professor at State University of New York, who spoke on "The American Dream"; Ralph Nader, famed consumer advocate who spoke on "Issues and Priorities of Urban Ethnic America;" the Honorable Frank Arricale of the Mayor's Urban Task Force in New York City; Dr. Richard Kolm of Catholic University in Washington who delivered the response to the panel program on "New Dimensions of Ethnic and Cultural Awareness in Urban Life." Dr. Kolm, in his summary, spoke of the valve of ethnicity as a source of strength to the American society and as an expression of the unique American concept of unity through diversity; Rev. Silvano Tomasi, Director, Center for Migration Studies, who was the moderator for the panel on "Ethnic Factors in the Urban Ferment"; John Perkins, Assistant Director of COPE, AFL-CIO; Dr. Jaipaul, Director of Nationalities Service Center, Philadelphia; Dr. Henry Browne of Rutgers University; Mary Sansone, President of the Congress of Italian-American Organizations; Jerome Ernst, Staff Director of Ethnic Programs for the Center; Dr. Marget E. Galey, University of Pittsburgh; Haynes Johnson of *The Washington Post;* John Hannigan, Director of the Bureau of Social Programs and Community Action, Diocese of Pittsburgh; Robert Schrank of the Ford Foundation who spoke on the "New Work Force"; and Barbara Mikulski, Baltimore, Md.

One of the highlights of the thought-provoking and informative week was the Capitol Hill luncheon held in the Senate Caucus Room of the Old Senate Office Building. The historic room was the setting for a welcome and comments by Senators Richard S. Schweiker, Philip A. Hart, Jacob Javits, Charles H. Percy and Representative Roman

C. Pucinski. The participants of the Workshop urged full cooperation with recent legislation introduced in Congress by Senator Schweiker of Pennsylvania and Rep. Pucinski of Illinois. The bills are Senate and House versions of the Ethnic Heritage Studies Centers Act of 1971, which will establish and support centers of learning of ethnic affairs for young people.

The week-long Workshop provided the Polonia with many constructive ideas and goals. It was apparent that more positive approaches must be used if the Polish American Community is to attain the stature it strives for. The time has come for Polonia to put its actions where its frustrations have been.

## CHICAGO'S FIRST LADY: MRS. RICHARD J. DALEY

## HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. PUCINSKI. Mr. Speaker, one of the world's great women is first lady of Chicago.

Mrs. Eleanor Daley, wife of Mayor Richard J. Daley, is a warmhearted, intelligent, gifted woman whose quiet example of total devotion to her husband and family has earned her the love of an entire city.

Eleanor Daley or "Sis" as she is popularly known is neither shy nor retiring. She is a woman who knows how much can be accomplished without the benefit of publicity and for 35 years, as the wife of one of the Nation's most dynamic and forceful leaders, she has been content to achieve on her own.

She is mother to 7 children, each of whom is a credit to his parents. She is also a delighted grandmother of 5.

Mrs. Daley has utilized the days and years of her life to outstanding enrichment. As her daughter, Mrs. Patricia Thompson says, she is "the true meaning of the word 'mother.' She means to us love, confidence, encouragement—she is always there and ready with assistance."

The wife of the mayor of the only city that still exists as a great American municipality suits the man and the city and the job to perfection. She is honest, deeply religious and unfailingly considerate of others. Above all, she is using her life to its fullest by supporting her family in times of crisis, laughing with them in moments of private joy, and being herself and available to all of them when they need her.

On her 35th wedding anniversary tomorrow, I am sure the entire city of Chicago would wish for Sis Daley what she herself has wished for—another 35 years with her husband and family. Warmest congratulations to them and their children on this special anniversary, for Mrs. Daley epitomizes the old saying that "love is giving to others what you would expect yourself."

The Chicago Sun-Times in a series of two excellent articles by Miss Ruth Nathan has captured the true spirit of Chicago's First Lady—the Mrs. Daley nobody knows—and, I am placing them in the CONGRESSIONAL RECORD today so historians will know what a magnificent lady makes Mayor Daley's life complete the Sun-Times articles follow:

[From the Chicago Sun-Times, June 20, 1971]

CHICAGO'S FIRST LADY—THE MRS. DALEY NOBODY KNOWS: SIS NOT A BIT SHY

For her husband's entire political career, Mrs. Richard J. Daley has shunned the spotlight and maintained a polite but distant relationship with news media. But on the eve of her 35th wedding anniversary, Mrs. Daley consented to a series of exclusive Sun-Times interviews with Ruth Nathan, a free-lance writer, who was assured that she could ask whatever questions she liked. The first installment of the free-wheeling and candid exchange follows. The second in the series will appear in Monday's Sun-Times.

(By Ruth Nathan)

"I'm really not a bit shy, as advertised," the friendly voice of the First Lady of Chicago said over the phone.

Eleanor Guilfoyle Daley may have made the understatement of the year.

Move over, Martha Mitchell.

Before she was through with the interviews, she had answered all questions on everything from the morality of her courtship days, to current abortion laws, to what she thinks of Mike Royko, the author who depicted her husband as "Boss" in his best-selling book.

Mrs. Daley's surprise phone call had climaxed more than a month of trying to establish contact. There she was, at the other end of the line, saying personally—not through an aide—that the spontaneous interview could be arranged. She said, in a just-folks manner, that no written questions need be submitted beforehand and that she didn't care to review or censor the story when it was finished.

FUTILE ATTEMPTS POINTED OUT

To appreciate the novelty of this, one must know there had been innumerable futile calls to the press aides and secretaries surrounding the mayor, among them Kathleen Spear, Daley's personal secretary; Earl Bush, his chief press aide; John Bowen, and Theodore Coleman, his assistants, and a troubleshooter named Mike Nigoff, who said nobody liked to interfere between Mrs. Daley and the press.

There also had been unanswered plain letters and special-delivery letters and one telegram to the Daley residence at 3536 S. Lowe in the Bridgeport Community.

Mrs. Daley, it had been said handles her own appointments and maybe, her own decisions about granting occasional interviews. She employs no press or social secretary. She was well known for being Mrs. Reluctant Dragon, preferring the back of the stage to the glare of her husband's national spotlight and zealously guarding the family privacy.

Until this interview, news coverage of Mrs. Daley had concerned itself largely with how she bakes homemade bread for her husband and family of seven children and five grandchildren.

LUNCHEON INVITATION EXTENDED

After sounding each other out on the phone, in an exhaustive hour-and-a-half talk, Mrs. Daley graciously extended an invitation to luncheon in the skyline Mid-American Club atop the Prudential Building.

She was waiting unpretentiously in the lobby, a petite (5-foot-2-inch, Size 10), freckled, dark brunet with curly, silver-tipped hair, tastefully outfitted in a soft woolen suit of kelly green—her favorite color. The straight skirt she wore stopped at the Pat Nixon line—the knee.

Upstairs in the restaurant, the maitre d' bowed deferentially toward a "table with a view" of the magnificent architectural panorama associated so widely with Mayor Daley.

Mrs. Daley quickly got into a nostalgic wedding-anniversary mood. Her brown eyes glowed as she reminisced about the man to whom she will be wed 35 years on Wednesday. She and Dick, as she calls the mayor privately, met when they were youngsters living in Bridgeport. He was about 20 at the time and she about six years younger.

BROTHERS FRIENDS OF DICK

Eleanor's older brothers, from her clan of four brothers and six sisters, were friends of Dick. He picked up the habit of calling her Sis, as the boys did.

"It's not a pet name I acquired after we were married; it's just my old family nickname," she explained, clearing up speculation that the Sis stands for romantic code between them.

"My brothers and Dick and I used to go off to basketball and baseball games together, and we developed a close friendship before we ever dated."

Since the mayor is an only child, Mrs. Daley was asked if he had any of the personality characteristics sometimes associated with such children.

"I know the psychiatrists say that an only child is often unwilling to co-operate, is withdrawn, secretive, spoiled, has no ability to share," she said. "The mayor must be the exception to the rule of being the miserable only child.

HIS ATTRIBUTES LISTED

"I think he is a great story-teller, is very generous and outgoing, has a great sense of humor, is calm in crisis or stress, is a wonderful father, is very reasonable and lovable. . . ."

"You like him?" she was teased.

"Definitely!" she responded. "He's remarkable. That man has done nothing but good for people all of his life.

"Some members of the press try to paint my husband altogether different from what he really is. They've labeled him uneducated and uncouth; sometimes they're kinder and say 'naive.'

"Ridiculous! He fully earned his law degree from De Paul University, though he had to struggle through 11 years at night school. That sheepskin was no handout. He has an amazing memory and total recall for names. He is probably more knowledgeable about city government than any statesman around today."

She said she thinks of her husband as a statesman and not just a successful politician.

"As for the mayor being uncouth," she continued, "those who do this kind of carping are generally quite unrefined and underdeveloped themselves—underachievers who try to get attention by denigrating one who has brilliantly achieved."

She was asked then, "You wouldn't happen to be thinking of Mike Royko?"

SHE SEES FIRE

Mrs. Daley saw fire at the mention of The Daily News columnist who wrote the best-selling biographical study that was published a few months ago.

"When there's an odious criticism of the mayor, I always consider the source," she said. "I read his book through and reviewed it for my husband one evening after we'd retired to bed. Mind you. Royko never talked to any member of the family, so his information is shallow, secondhand hogwash at best, where it concerns us personally. (Author Royko has pointed out that his requests for interviews were rejected).

"He is a hater—a man who hates men in government, generally. The book is trash. I advised the mayor it wasn't worth his time reading."

Mrs. Daley, however, did not allow anti-Daleyism further to dispel the warmth of her anniversary mood. She recalled the early days of courtship:

"Circumstances made our getting together an obstacle course. He was working part time

and studying law at the university. I was mostly confined to home, helping care for my invalid mother."

It wasn't until her mother died that Eleanor started thinking again in terms of a normal social life and romance.

DALEY FIRST AND ONLY LOVE

Dick was her first big date and her first and only love—" 'til death us do part," she recited.

"I've never felt I've missed anything by not having known other men."

"Were you really altogether innocent when you married?" she was asked.

"What do you mean?" she replied. "Be direct, Ruth."

How do you ask the First Lady of Chicago if she'd ever been intimate with a man other than the mayor.

"Well, were you a virgin?" I blurted.

"Yes," she said, and we both laughed at the candid exchange.

The first Daley baby arrived one year after the wedding, and the others came in fairly close succession. Offspring 1, 2 and 3 were all girls; the next four were boys.

"Did the mayor want to have a large family?"

"He must have!" came Mrs. Daley's retort, and again she broke into infectious laughter.

BIRTH OF CHILDREN RECALLED

The Daleys are Roman Catholic. All their children were wanted. All Mrs. Daley's pregnancies were healthy, uncomplicated and resulted in normal births. All the children were born in Mercy Hospital, and doctors and nurses there remember that the normally cool Daley became paternally unglued at each birth: The children range in age now from the early 20s to going on 34.

Each Daley daughter, Pat—born on St. Patrick's Day—Mary Carol—born during Christmas holidays—and Eleanor named after her mother and a look-alike—is a certified schoolteacher in the Chicago school system.

The first-born son, Richard, was named after his father; Michael, who is the mayor's spitting image, was named after his godfather; John was named after his uncle, Mrs. Daley's brother, and William, the youngest, and the only son who is married, was named after the many close friends of the Daleys who happen to be named William.

All seven children are college graduates. Richard and Michael are lawyers; John is in private industry and attending postgraduate night school; William is in law school.

Pat has three children and Mary two. Eleanor, single, lives at home and teaches fifth grade pupils. Also at home with the Daleys is their 9-year-old pet schnauzer, Shamus.

THAT POPULATION BUGABOO

Asked if she felt she had added to any problems of overpopulation, Mrs. Daley declared:

"No! With our modern-day science and technology, I'm sure we can better explore untapped fertile areas on land and in and under the sea, and even in space, and come up with enough food and room for many millions of more humans. I think we generally tend to crowd into certain settled areas and ignore the vast universe. I think scientists have been unimaginative about dealing with this problem."

What are her feelings about easy abortion?

"I would much rather have a baby on my lap than on my conscience," was her reply.

Mrs. Daley said she feels deeply that having a large family presented a great challenge to her and her husband and was constructive in cementing their marriage.

"All the children were born before Dick became mayor 16 years ago," she said. "My husband always made a living wage, even when he was a struggling lawyer, but we did have to watch the spending and didn't have much left over for luxuries with our big brood.

"We disciplined ourselves to living according to our means, and we never got credit-happy, and we did without when we had to."

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SIS DALEY'S ANNIVERSARY WISH: 35 YEARS MORE WITH MAYOR

Mrs. Richard J. Daley, the mayor's wife, has been the silent "women-behind-the-man" for 35 years. On the campaign platform and in the public gathering, she has smiled, stood close to her husband and said little to newsmen. But on the eve of her 35th wedding anniversary, Sis (as she has been known since childhood) Daley agreed to an exclusive Sun-Times interview with Ruth Nathan, a freelance writer, who was assured that she could ask any question she wished. This is the second of two articles.

(By Ruth Nathan)

Chicago's First Lady must have read the latest Amy Vanderbilt book, which says it is all right to tidy up your lipstick at the dinner table, even at such an elegant dining establishment as the Mid-America Club.

The wife of Mayor Daley was taking her first respite—a cosmetic break—from the unprecedented and candid four-hour interview. Unhedgingly, between dainty dabs at her baked fish en casserole, she had answered questions about her family, her marriage, the social scene. In so doing, she had pulled aside a curtain of silence she had protectively drawn for 16 years between herself and members of press, radio and television.

Gone was the Eleanor Guilfoyle Daley who insisted she had nothing to say. Now she seemed to understand that wings are to fly with and the voice to sing with and that exercising both could give a sense of exhilaration.

When this mother of seven and grandmother of five, earlier in the interview, had said, concerning abortion, "I would rather have a baby on my lap than on my conscience," she showed she could out-Martha Mrs. Mitchell and do it with grace.

When she had denounced Mike Royko's book "Boss" as "trash," she had shown that, with her gentle soul, there was, as well, an Irish scrapper who didn't take kindly to criticism of her husband.

When the Daley's celebrate their wedding anniversary Wednesday, they will do it in the manner of previous years. They will dine at home with as many members of the family as they can get over, hopefully all 12 children and grandchildren. But this year there is the slight possibility that the first couple of the city will be able to slip off to the Florida Keys for a few days of fishing.

Asked if she could give us her anniversary wish, Mrs. Daley said, with a luminous wistfulness: "I dearly wish we could have 35 more years together. From the beginning of our marriage, I could hardly wait for him to come home. It is still that way today."

Mrs. Daley is irked by snide remarks suggesting the family still lives in its old Bridgeport neighborhood—and not in a grand mayoral manse such as Gracie Mansion in New York—because of political reasons, the chief being that the purpose is to create the image of a mayor as just one of the ordinary fellows in the neighborhood.

"Believe me, it's not a put-on," she said. "We're very attached to that old brick bungalow. We had it built back in 1939; five of our children were born during our residence here. As they came, we built additions onto the back. Our roots are deep. We've got five bedrooms and four bathrooms. The rooms are all big, and we have a lovely yard with crab apple trees.

"We never wanted to disrupt our children's lives or schooling by moving into an official mayoral residence. A house is not a home if it is open to the public.

"Besides, we've saved the taxpayers a ton of money by not burdening them with support of a mayor's mansion."

Mrs. Daley pointed out that, in Chicago, there are plenty of beautifully maintained hotels for entertaining visiting dignitaries, so that official hospitality never has been a problem.

"I think we've probably entertained more dignitaries than any other mayoral family," she said. Hotel owners appreciate the business and publicity and charge modest fees as a public service.

The supposedly imperturbable Mrs. Daley does a quick burn at insinuations that the family lives in a segregated, black-hating, ethnic-Irish white neighborhood that turns its back on equal rights.

She said McClellan Elementary School, about a block and a half from the Daley home, has had Negro students for the last 15 years and Negro teachers, too. She declared that, for the last 18 years, there have been blacks living in their 11th Ward—the closest black family now about eight blocks away.

Never has there been an overt episode of Mayor Daley becoming the target of militants. His home never has been attacked, and the routine security precautions never have been put to a major test. The Daley residence has a 24-hour, three-policeman guard. Two policemen keep a vigil on the outside front; one is at the back.

Though the Daleys have a mutual admiration society between themselves and the city's law-enforcement officers, even the city's first family has known what it is to run into a bad apple wearing a blue uniform.

For example, there was the published rumor that second eldest son, Michael, had been arrested for possession of marijuana; that the charge had been hushed up and dismissed—a false allegation that had stemmed from a policeman's phony tip to a reporter.

Then, another time, some years back when one of the four Daley sons was ferrying a group of club girls to their destination, he accidentally went through a stop sign in a poorly lighted area and was ticketed by policemen. The patrolman immediately phoned all the newspapers and built up the story so that it sounded as if the Daley son was involved in something a good deal worse than a traffic offense.

"This unpleasantness was a blessing in disguise," Mrs. Daley recounted. "It made the kids understand that, to some members of the police force, they would always be special targets. They were extra careful after that not to make even the slightest infraction of the law."

In the course of the long interview, Mrs. Daley expressed herself on a wide range of current topics. Following are some random Eleanor Daleyisms:

On Women's Liberation: "I've been liberated all my life. I've never felt tied down, by my husband or by my seven children. One has to liberate one's self and make one's own liberated life. Those who demand equality with men, even to integrating the men's and ladies' rooms, and bars, are venting their private unhappiness and frustration. They haven't learned how to be master of their own self-made slavery. Liberation is a state of mind and a way of life that is possible for women today and was possible for them yesterday."

On the mayor's being a superstitious man: "He's not at all superstitious. He has a license plate number that represents his victory vote—708,222—over Robert Herriam, his first rival for the mayoral race. He keeps the number for sentimental reasons; it makes him feel good.'"

On staying healthy and young-looking: (The mayor and Mrs. Daley look younger than their calendar years—69 and 63-ish)—"Aside from being blessed with excellent physical constitutions, I think we have true inner contentment, and I think this is the

main basis for feeling youthful. The mayor is doing what he likes most, and so am I. We try to keep a good day-to-day pace, though the hours are long and vigorous. The mayor doesn't abuse himself with smoking and hardly ever drinks.

"We enjoy a lot of quiet things: playing bridge, reading a lot, playing golf, fishing, talking a lot around the dinner table. What other mayor would manage to get home to dinner almost every night? He never wanted to be an absentee father or husband. Our daughters and sons are his worst critics; they keep him on his toes, striving for improvement. After he's finished this period with the family, or just with me, he goes on to some inevitable chicken-and-peas banquet. He fakes the eating to protect his digestive health and weight watching. He never drugs himself with oversleep. The latest he's ever slept is 7:30 a.m."

On separate rooms: "What? After all these years? Why break a healthy habit? Never!"

On the Pill: "Mothers who give their teenagers the Pill have failed somewhere in teaching their daughters right from wrong. They have detached sex from love."

On hotpants and Jackie: "I wouldn't wear them. It's OK for Jackie Onassis; she's much younger. I can't see anything wrong with her wearing them. I like her a lot. I've been with her on many occasions, and she's a dear. I hope she can find some measure of happiness without the awful harassment she gets from the public media."

On practicing religious faith: "The mayor is a much more faithful churchgoer than I. In all the years we've been married, I think I can count on my hands the days he has missed morning mass. We're both devout believers, and this is part of our inner serenity. My favorite saint is the blessed mother. I'm devoted to Mary."

On militant rioters: It is not so much the youngsters who are calling our police pigs. It's mostly that group of professional radicals—grown men and women—who do it; and most who come here to riot are out-of-towners. The militant dissidents are spoiled rotten with precious freedoms they take for granted. They've never lived in Iron Curtain countries, where people are told where to work, what work to do, what to say and what not to say, what to write, and what not to write, and how to vote, and even where to live."

On being First Lady of Chicago: "It's hard to wear two faces. I am a wife and mother first. Being the wife of the mayor of Chicago is an honored, but temporary, state, and I remember that."

On pet dislikes: "Insincerity, fakes. I don't admire reporters who fail to get interviews and then go to the morgue (newspaper or magazine libraries) and repeat inaccuracies of other journalists who had failed to gather fresh, firsthand material."

On persons she admires: "Among men? The mayor of course! Among women—Sen. Margaret Chase Smith (a Republican!). Judge Helen McGillicudy and Judge Edith Sampson of Chicago; Jane Byrne, Chicago's chief of the Department of Weights, Measures and Consumer Affairs."

On how the years have changed the mayor: "A man doesn't really change in the eyes of the woman who loves him. Oh, I could say his hairline is receding, that he's getting bald. But that's about all I really see."

On staying married and plans: "I think many marriages fail because people in a marital setup can be very selfish. Each or both won't sacrifice. Love is never having to ask, and never being reluctant to say you're sorry. (Yes, Mrs. Daley saw that movie, too.) If you love one another, you pitch in without having to plead for something to be done or to be acquired. When the kids were babies, the mayor would get up in the middle of the night to soothe them if they were crying or to diaper them. He's also an excellent garbage disposal man! We both keep the you-first, not me-first, philosophy.

"The mayor has never stopped bringing me candy and flowers. We enjoy the spirit of love.

"We hope we'll be healthy enough, when the mayor's term is up, to do the traveling we crave. We've only been abroad twice. We want to visit Ireland, Italy, the Scandinavian countries, Greece.

"The mayor will never retire. He would like to teach, and he writes well. If he does his memoirs, maybe I can help. I've kept a diary and have enormous scrapbooks."

A view of Mrs. Daley as a mother might be appropriate here. Mrs. Patricia Daley Thompson, one of the Daley daughters, characterizes her as the "true meaning of the word 'mother.' She means to us love, confidence, encouragement—she is always there and ready with assistance."

## CLEVELAND STATEMENT ON VIETNAM AND NEDZI-WHALEN AMENDMENT

### HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 17, 1971*

Mr. CLEVELAND. Mr. Speaker, the war in Vietnam has occupied center stage in America for a long time, in fact for most of the time I have been in Congress. In light of last week's votes on various amendments to the Military Procurement Act of 1971, it seems a good time to review the situation and why I voted the way I did.

When President Nixon came into office the war in Vietnam was raging full force. There were 535,500 American soldiers in South Vietnam. During 1968, an average of 279 Americans were killed in action every week. Dissent was raging at home and abroad.

President Nixon has decisively reversed the situation. American force levels are down, so that as of June 10 there were 247,200 American soldiers in South Vietnam. Withdrawal of forces continues. In the first 5 months of 1971, the weekly average of Americans killed in action has dropped to 46. During the month of May, last month, this weekly average dropped further to 36 Americans killed in action. Though having even this number of American casualties is painful, it is undeniable that by any standard the fighting war is coming to an end.

Though many critics seem unwilling to give President Nixon credit for these accomplishments, they are fact. We all hope for more progress—and faster—but it is undisputable that President Nixon has gone far toward bringing the long war to an end for American fighting men.

President Nixon has publicly committed himself to complete withdrawal of American fighting men from South Vietnam. He has ordered that by December 1, 1971, the number of American fighting men be reduced to fewer than 184,000. That is a maximum, and the number may well be less.

Mr. Speaker, this past week in Congress we have been debating where we are heading. In particular, attention was focused on the Nedzi-Whalen amendment. Our offices have received hundreds of communications urging us to "end the war" by voting for the Nedzi-Whalen amendment. Apparently many of these were the result of lobbying by Common Cause.

However, had this amendment passed it would not have ended the war or even brought anybody home from Vietnam. I quote the gentleman from Ohio, Mr. WHALEN, on page 19962 of the RECORD for June 15:

Let me just state some specific examples of things that the Nedzi-Whalen amendment will not accomplish.

First, it will not require that troops be withdrawn from South Vietnam after December 31 of this year.

Second, the Nedzi-Whalen amendment will not cut off the pay from any American troops remaining in South Vietnam after the effective date of December 31.

Also, it will not deny American troops the use of equipment and weapons systems that are already in South Vietnam. Nor will it deny the use of weapons systems authorized in previous procurement programs. Nor does it deny to the administration the right to provide military assistance to our three allies in Indochina.

Nor, as I examine my and Mr. NEDZI's amendment would it prohibit the use of the equipment authorized by this bill by South Vietnamese, or Laotian, or Cambodian troops.

I wanted to make these points clear because, as I stated earlier, I think there has been a misunderstanding to the effect that the passage of this amendment will remove troops from South Vietnam after December 31 of this year. This it will not do.

With that statement of the sponsor of the amendment about which we have heard so much, I think it is clear that there is misunderstanding of what it really would have done. Therefore, to help clear the situation up, I insert at this point a copy of the text of the amendment:

Page 7, line 4 after the period insert:

"SEC. 402. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

"(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.

"(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

"(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.

"(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.

"(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions."

The fact is that the Nedzi-Whalen amendment would have had no impact on Vietnam for until at least late 1972 or 1973. It is regrettable that certain

groups deceptively described this as an end-the-war amendment. Deception by "peace groups" is as shameful as the deception that apparently was being practiced by the Johnson administration during the buildup of the Vietnam war.

SETTING A WITHDRAWAL DATE IS UNWISE

I continue to oppose action by Congress that would set a date for withdrawal of American forces from Southeast Asia. I want our men home as much as everyone else does, but I believe that action by Congress at this time, setting an arbitrary date for unilateral withdrawal, would have unacceptable consequences. First, I believe that it would not get our prisoners of war returned. I cannot accept on blind faith that the North Vietnamese would simply return these prisoners. Rather, I believe that our setting an arbitrary unilateral withdrawal date would result in further demands: that is, that we overthrow the Thieu government, that we end all economic and military aid to the Republic of South Vietnam, that we pay a huge ransom to the North Vietnam Government as "reparations," and so forth. Frankly, I believe that the only way these men will be returned is as the result of negotiations, and Congress is neither suited nor equipped for the task of conducting negotiations. Since we cannot negotiate, we should not meddle in the process in a way that will undermine the President's efforts to end the war.

A second major unacceptable consequence of a precipitous unilateral withdrawal would be an undermining of our vital alliances around the world. Like it or not, wisely or unwisely, we have committed ourselves to the South Vietnamese and have fought with them against the North Vietnamese. If we were to precipitously withdraw without consideration of the immediate impact on our allies, all of our other allies would lose confidence in the strength of our commitment to defend free countries from aggression. The formal alliances would continue but without the faith that in a crisis we would live up to our promises. The consequences around the world—in the Middle East—in Europe—in Korea could be disastrous: an open invitation to aggression.

We may have too many commitments around the world and too many alliances, but the way out of that problem is through negotiation with the countries involved.

We may be close to the point where the South Vietnamese can stand on their own. We are not guarantors of the continued independence of South Vietnam nor are we guarantors that in some future time the South Vietnamese will not collapse. But we do have the responsibility of at least withdrawing in a way that gives the South Vietnamese a reasonable chance to make the transition.

SENATOR AIKEN'S WISE OBSERVATION

Senator GEORGE AIKEN of Vermont, who last week voted against the McGovern-Hatfield amendment, has observed that many of the end-the-war amendments are being offered or pushed by presidential aspirants or others with partisan objectives, seemingly for the purpose of claiming for Congress that which President Nixon is already doing. I agree with Senator AIKEN, and would add that these publicity-oriented efforts may well be undermining the President in his commendable efforts to achieve an honorable ending to our commitment in Vietnam.

Much of the support for moves to impose restrictions on President Nixon are the result of frustration over a long war and belief that the previous administration had deceived the public during the years of escalation following election as the "peace candidate." I can understand this frustration, even anger. However, I think it makes little sense to hobble President Nixon because of belief that President Johnson used deception in getting us involved in a major war.

In my 1966 annual questionnaire I asked the question, "Do you feel the administration is giving the public adequate information concerning Vietnam?" The response was overwhelmingly in the negative. In my report to my constituents giving the results of the questionnaire, I observed that:

> Perhaps the most startling response is the extent of the disbelief in the word of the administration. By an overwhelming margin, my constituents feel the administration is not giving the public adequate information concerning Vietnam. Thus, it would appear that the so-called "credibility gap" is more like a chasm.
>
> Regretfully, I do not feel that the administration is giving the public adequate information concerning Vietnam. Too often the leadership in Washington is failing to speak with clarity, candor and unity. In my opinion, it has resulted in much needless uncertainty in this country and throughout the world. It may even be prolonging the very situation we are all so anxious to bring to an honorable and meaningful conclusion.

As the events of those years are being fully learned, it is clear that my comments then were accurate, and even understated. But even so, this is no reason for Congress to play partisan politics with President Nixon's sincere efforts to end the war that he inherited.

SUPPORT OF VIETNAMIZATION

My general support of President Nixon's efforts to shift the burden of fighting in Vietnam to the South Vietnamese, and his orderly program of withdrawing American fighting forces, stems from my longstanding belief that for too many years the United States tried to do too much in Vietnam and was unwilling to let the South Vietnamese do more. After my first visit to Vietnam in 1968, I observed in a report to my constituents dated April 11, 1968, that:

> In my opinion the Administration has made some of the same basic mistakes in South Vietnam which it has made at home. It seems to spring from a 'we will do it for you' philosophy. . . .
>
> In fact the overwhelming presence of American power and money in Vietnam seems to be creating problems. For example the American influx into South Vietnam is not only causing inflation but it is adding to a growing "Black Market," thus fostering corruption. We seem to be doing most of the heavy fighting and most of the directing. As a result the South Vietnamese are becoming too dependent and probably resentful. Why not? It is their country and their war, but good old Washington is running it.

A CONSTRUCTIVE ALTERNATIVE

Traveling with me on the trip was Congressman Don Clausen, (R-Cal). We spent a good deal of time talking about these problems. Out of our conversations, experiences, and interviews, Don has written up a plan to de-Americanize the Vietnam war. Briefly, his "Phase in/Phase out" concept, through the creation of a Free Asian Security Force, would call for a drastic shift in manpower emphasis. A much greater part of the military effort would be taken over by the South Vietnam Army and free Asian security forces. This would be done on carefully conceived, methodical, time-tabled schedule . . .

It would thus seem the time has come to put down our foot and make it clear that the people there simply have got to do more for themselves, and do so collectively.

Thus I was pleased that President Nixon, after his election, set out to do just that. The results to date vindicate the policy, and deserve to be fully carried out.

The urge to set a definite date for withdrawal of American troops has appeal; but I shall continue to oppose such moves so long as I have confidence that the President is doing as well as he can, and that the action by Congress would not achieve the goals sought by us all. They have the appeal of a simple solution to a complex situation. But, like most simple solutions, they have many ramifications.

The Nedzi-Whalen amendment was defeated, 158–256, and I voted Nay.

The Military Procurement Authorization subsequently passed the House by a vote of 331–58. I voted "yea."

## LA PORTE—THE BASEBALL CAPITAL OF INDIANA

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. LANDGREBE. Mr. Speaker, many Indiana communities, large and small, have contributed greatly to the basketball lore of America. But there is one city which has made its mark in a different sport—baseball. La Porte again proved its claim to the title of "baseball capital of Indiana" on Saturday, June 19. The Slicers of La Porte High School took the Indiana High School Tournament Championship by winning the final game, 4 to 1.

The Slicers became the first team in the 5-year history of the State high school tourney to win the championship twice; they won the State's first tournament in 1967. Special congratulations are due to Slicer coach Ken Schreiber, who piloted the team to both championships, as well as to the players at La Porte High School. One of the La Porte players, Catcher Mark Yates, won the L. V. Phillips Award as the outstanding player of the tournament; Mark distinguished himself not only with his excellent play but also with his fine academic record and overall mental attitude.

In recent years, La Porte has sent two men to the major leagues, Ron Reed, pitcher for the Atlanta Braves, and Charles O. Finley, the colorful owner of the Okland Athletics.

Not only is the number one high school baseball team in Indiana located in my Second Congressional District, but also the number two team. The runners-up defeated in the tourney only by the champions, are the Jefferson High School Broncos of Lafayette, Ind. I also want to congratulate the Broncos for their fine showing.

## A RIGHT TO KNOW AS WELL AS A RIGHT TO PUBLISH—THE WASHINGTON POST CASE

### HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. ECKHARDT. Mr. Speaker, as you know, 27 Members of Congress filed a motion of intervention on June 21 in the case of United States of America against the Washington Post, et al. in the U.S. District Court for the District of Columbia.

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

[U.S. District Court for the District of Columbia Civil Action No. 1235–71]

BRIEF IN SUPPORT OF MOTION FOR INTERVENTION

United States of America, Plaintiff against the Washington Post, et al., Defendants.

STATEMENT OF THE CASE

This is a motion for intervention by 27 Members of Congress. It is movants' contention that their position is distinct and different from that of The Washington Post and they are entitled, as a matter of right, to intervene. The Washington Post's 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 in not being deprived of information which would normally flow to them but for an intervening act of government restraining that flow.

The difference in position of movants adds the dimension of urgency, and this is the important reason why Members of Congress, speaking from the platform of particular factual injury, are entitled to participate in this case.

To capsulate the point, a brief analysis of the situation must be set forth:

Two important courses of events transpired contemporaneously, events of the stuff which affects the fate of the nation. The first was dramatic and fast-moving: the revelation of the existence of the Defense Department's Task Force Study on Vietnam ordered by Secretary McNamara which gives piercing insight into the gut workings of war making and the conduct of foreign affairs by the President, the rest of his civilian executive establishment, and the Joint Chiefs of Staff. The second important course of events was, and is, the continuing deliberate process of decision-making in a democracy. As Judge Wright said in his dissent:

"At a time when the American people and their Congress are in the midst of a pitched debate over the war, the history of the war, however disillusioning, is crucial. The executive department, which brought us into the war and which would be primarily "embarrassed" by publication of the material in question, must not be allowed to bury that history at such a time. Democracy works only when the people are informed."

It is the primary purpose of this brief to show that the interest of movants, a pressing public need for immediate access to matters directly and importantly affecting ongoing process in Congress, is different from that of the defendant, The Washington Post; and that "injury in fact" results to these movants by *any* delay of the flow of information free of an unconstitutional prior restraint.

It may be possible to argue that The Washington Post and The New York Times are not substantially injured if the courts ultimately determine that a prior restraint on the publication of the articles concerning this Task Force Study is unconstitutional. Not so with these movants: Their deliberations and actions in participating in the formulation of national policy are crippled and inhibited by not having highly pertinent information which is *known* to exist. Such is not only directly injurious to each of them as a Congressman representing 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 normally available to himself *and* to those whom he represents.

ARGUMENT

In order for any party to proceed in a case before a court there must be (1) a case or controversy,[1] and (2) a complaining party who either presents a case in which his standing is quite clear or who proffers for judicial determination a question concerning his own legal status.

I. THIS MATTER CLEARLY INVOLVES A CASE OR CONTROVERSY.

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 and equity" and "certain controversies." The United States has contended that The Washington Post is wrongfully in possession of certain governmental documents and should be enjoined from publishing them. As a result the Court of Appeals for the District of Columbia has granted a temporary restaining order. The Washington Post 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 and their right to intervene.

II. INTERVENORS[2] HAVE A DISTINCT AND SEPARATE JUSTICIABLE INTEREST

As we have said, the defendant's interest in its First Amendment right is to speak or to publish free of a prior restraint abridging its right of freedom of speech. Intervenors' interest 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. It is our contention that this right is as carefully protected by the First Amendment as is the publisher's right. The Court in *Stanley* v. *Georgia*, 394 U.S. 557, 564 (1969) said: "It is now well established that the Constitution protects the right to receive information and ideas.[3]

That interest is not, at present, represented in this litigation and as we shall show it is a distinct and different interest than that of The Washington Post. The proposed intervenors would represent that fundamental interest, the public's right to know. But they would also represent an even more critical interest. As elected representatives of the people, charged with responsibility for voting on matters now pending in the Congress which will vitally affect the lives of their constituents,[4] they must have the information which the plaintiff has asked this Court to suppress, so that they can make informed, intelligent decisions.

To deny them that information would be destructive of the public interest, because it would require them to continue to make groping policy decisions with respect to the Indochina war in a twilight area not fully illuminated by candid executive disclosure. In crucial areas of policy making Congress would have to continue to act in partial ignorance of the historic context in which they are acting.[5]

It is now clear that such a deprivation of flow of information which would exist but for governmental restraint constitutes a justiciable interest. *Mandel* v. *Mitchell*, decided by a three-judge court in the Eastern District of New York,[6] is directly in point. There 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 individual rights of self-expression but on the contrary reflects that 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 seem to be unreal. The concern of the First Amendment is not with a nonresident 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)."

But the fact that Congressmen are themselves deprived of information is not the sole injury that these movants suffer. As we have said, the granting of an injunction would cause injury in fact to these intervenors in limiting their resources and their tools for solving problems relegated to them under the Constitution.[7]

But, 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

Footnotes at end of article.

on this information without their constituents knowing the same basic facts. The central tenet of democracy is that governments "derive their just powers from the consent of the governed," and of course Congress must repeatedly obtain this consent from the electorate. To staunch the flow of public information for any considerable time is to greatly impede the democratic process, because concerning great issues there is a considerable incubation time for the public to come to an understanding of the issues and to formulate opinion.

*Public representatives properly intervene to protect their own function.*

In *Cascade Nat. Gas* v. *El Paso Nat. Gas*, 386 U.S. 129 (1967), the Supreme Court noted that the 1966 amendments to Rule 24 were intended to liberalize intervention, and permitted the State of California to intervene, as of right, in an antitrust case as a representative of "the public interest in a competitive system." (386 U.S. at 135). Certainly the proposed intervenors are equally or more representative of the "public interest" in a democratic system, and thus entitled to intervene as of right.

In *Securities and Exchange Commission* v. *United States Realty & Imp. Co.*, 310 U.S. 434 (1940), decided many years before the liberalizing amendments to Rule 24, the District Court permitted the Securities and Exchange Commission to intervene in an "arrangement proceeding" under Chapter XI of the Bankruptcy Act. The Second Circuit reversed. The Supreme Court, agreeing with the District Court that intervention served the "public interest," reversed the Circuit Court. The Commission had intervened for two reasons: "to protect the interest of the public," and "to forestall the impairment of its own functions" under the Bankruptcy Act (310 U.S. at 445).[8] The Supreme Court, noting that the Commission was "charged with the performance of important public duties" (310 U.S. at 458), ruled that it was entitled to intervene in order "to object to an improper exercise of the court's jurisdiction which, if permitted to continue, . . . would defeat the public interests which the Commission was designated to represent" (310 U.S. at 459). The Supreme Court stressed that "the performance of its public duties" was a "sufficient interest" to justify the Commission's intervention even under the old, and restrictive, Rule 24.

The proposed intervenors herein assert the same grounds for intervention: to protect the "public interest" and to forestsall "impairment" of their own functions. The "public duties" required of Congressmen by Article I, Section 8 of the United States Constitution are so much more vital to the public interest than the statutory duties entrusted to the SEC, that it would be inconceivable to exclude them from participation in this case.

Any doubts on that point are settled by *Nuesse* v. *Camp*, 128 U.S. App. D.C. 172, 385 F. 2d 694 (D.C. Cir. 1967). There a state-chartered bank sued to enjoin the United States Comptroller of the Currency from permitting a nationally chartered bank to open branch offices in that state. The State Commissioner of Banks moved to intervene. The District Court denied intervention and the Circuit Court reversed. The starting point there, as it should be here, was the Circuit Court's recognition that the purpose of the 1966 amendments to Rule 24 was to facilitate "full ventilation" of the legal and factual isses relevant to the issues before the court "by involving as many apparently concerned persons as is compatible with efficiency and due process," 128 U.S. App. D.C. 182, 178, 385 F. 2d at 704, 700.

To put it mildly, the Members of Congress who are the proposed intervenors in this case are, of course, "apparently concerned," and their express willingness to limit their participation insures the efficient resolution of these proceedings.

The Court of Appeals in *Nuesse* stated that "those opposing intervention" bore the "burden" of showing that the interests of the proposed intervenors are adequately represented by existing parties (128 U.S. App. D.C. at 180, 385 F. 2d at 702). Furthermore, the fact that the proposed intervenor wished to assert the "public interests," was, of itself, sufficient to differentiate his interest from that of the private litigants (128 U.S. App. D.C. at 181, 385 F. 2d at 703). Thus, even though there was a "tactical similarity" between the private interests of the state bank and the public interests of the state Commissioner of Banks, that tactical uniformity of interest would "not assure adequacy of representation" of the public interest by the private litigant (ibid.). Intervention was thus a matter of right, and, in addition, the Court ruled that denial of intervention was an abuse of discretion. In so ruling, the Court of Appeals set down an "appropriate standard," and a "more hospitable approach," guaranteeing intervention whenever a governmental representative seeks to protect the "public interest" (128 U.S. App. D.C. at 182–184, 383 F. 2d at 704–760). The "significant fact" which justified that approach was that the proposed intervenor was "a government official" who sought to "promote a relevant public interest" (128 U.S. App. D.C. at 183, 385 F. 2d at 705). Unless intervention would unduly expand or delay the proceedings, which would not be true here, intervention "is available when sought because an aspect of the public interest with which [the intervenor] is officially concerned is invoked in the litigation" (128 U.S. App. D.C. at 184, 383 F. 2d at 706).

That, of course, is precisely this case. As appears more fully in the affidavit of Congressman Eckhardt submitted herewith, the proposed intervenors, all Members of Congress, are at the present time officially and deeply concerned with matters now pending in Congress, whose resolution will vitally affect the public interest. They must have the information which the executive branch seeks to suppress if they are adequately to fulfill their constitutional responsibilities to their constituents.[9]

These facts, of course, clearly differentiate the interest of these intervenors from those of the defendant, The Washington Post.

III. INTERVENORS HAVE STANDING TO SUE

Though intervenors believe it is quite clear that the contention of the defendant Washington Post 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 by the constitutional guarantees as are the interests of The Washington Post.

The four leading cases establishing the 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." [10]

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

*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 with respect to the making of war, the financing of the war effort, and the termination of the Indochina involvement.

As we have seen in the Statement of the Case and in the description of the nature of intervenors' justiciable interest, the staunching of the flow of information concerning our international involvement in Indochina constitutes an "injury in fact" sustained by these intervenors in the performance of their proper function.

It is appropriate here to show in a little more detail the interrelation between the content of the Task Force Study and the subject matter of Congressional debate contemporaneous with the Federal Court action restraining publication of some of that content.

While the Justice Department was preparing its case to restrain publication of this highly pertinent material, and while the legal action in the District Court for the Southern District of New York was going on, Congressmen were giving official recognition to the pertinence of the articles by inserting them in the Record.[11]

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, two votes were taken in the Senate and 4 in the House on topics to which the study is germane.

In the Senate these included the vote on the Chiles Amendment, which barred use of funds supplied under H.R. 6531 (an amendment to the Selective Service Act which provided pay increases for military personnel) to support U.S. forces in Indochina after June 1, 1972, under certain conditions.[12] The vote on this amendment was: Nay, 52; Yea, 44. Thus, a change of 5 votes would have switched the result. Also, the Senate considered the McGovern-Hatfield Amendment, also to H.R. 6531, to amend the Selective Service Act. This provided for the shorter cut-off date to December 31, 1971. The vote on this amendment was: Nay, 55; Yea, 42. A seven vote change would have been required to change the result.

It is impossible to say that, had *The New York Times* installment, due to be printed on June 16, been printed that day, it would have changed 5, or 7 Senators' minds; but it is also impossible to say that it would *not* have. It is certain, however, that the articles were of the type that afford the kind of persuasion or conditioning that affects votes on issues like these before the Senate.

The House was on the same day acting on the Military Procurement Authorization Bill (H.R. 8687). The House continued consideration 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 (to delete 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.

Footnotes at end of article.

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.[13] Congressman Sidney R. Yates of Illinois noted in debate that it is now clear that the facts surrounding the Gulf of Tonkin episode were kept from Congress at the time it voted on that resolution. He noted that we are reading in the press today the results of giving more and more power to the President and deferring to his judgment in the early 1960's.[14]

Congresswoman Margaret M. Heckler, of Massachusetts, citing the revelations in *The New York Times* of the deceptions practiced on the Congress early in the Vietnam buildup, said it was clear that Congress must now express its will. She went on to mention *The New York Times'* revelation that the Gulf of Tonkin Resolution was drafted three months before the incidents occurred.[15]

Congressman Lioned Van Deerlin, after referring to *The New York Times* series of articles, said that he did not think the war would have been allowed to progress the way it has if Congress has been properly informed back in 1964 and 1965.[16] Congresswoman Bella Abzug, of New York, called for full access to the entire McNamara study, saying she believed the information is necessary to enable the Congress to make a realistic assessment of the prospects for a speedy and total termination of the American military role in Indochina.[17]

Congressman Paul McCloskey, of California,[18] Congressman Bertram Podell, of New York,[19] Congressman James Abourezk, of South Dakota,[20] and Congressman William Ryan, of New York,[21] were among Members of Congress who discussed *The New York Times* documents during debate on the Military Procurement Authorization Act of 1971.

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.

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, and 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).

*The interest sought to be protected by intervenors is arguably within the zone of interest to be protected by the constitutional guarantee in question*

The 1st Amendment protects and guarantees intervenors' right to access to this information unrestricted by abridgement of freedom of speech or of the press, and this right is clearly within the zone of interest intended to be protected by that amendment. This is clear when it is remembered that Congress is required to deal with subjects including 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.[22]

These intervenors are within precisely the same zone of interest as that of the professor plaintiffs in the *Mandel* 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 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." [23]

The courts have been increasingly liberal in holding an interest which is related to the public interest to be one within the zone intended to be protected by the law in question. This is illustrated in the environmental protection cases which have held that the party asserting an essentially public interest has standing.[24]

IV. THE CIRCUMSTANCES OF THE CASE JUSTIFY INTERVENTION AS OF RIGHT

Rule 24(a) of the Federal Rules of Civil Procedure provides that anyone shall be permitted to intervene "as of right" if he "claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

As we have seen, these intervenors are claiming an interest relating to the matter which is the subject of this action. As Congressmen, they are so situated that if the fruits or product of free speech is not made available to them, such will as a practical matter impair or impede their ability to effectively perform their tasks as Congressmen. Clearly, a "disposition of the action" by the granting of plaintiff's motion for preliminary injunction would result in that impairment.

It may be seen that the provisions of the rule permitting intervention as a matter of right are immediately satisfied when we have shown, as we did in II of this brief, that intervenors have a distinct and justiciable interest, and in III that intervenors have standing to sue. Therefore, we need only show in this section that the facts and authorities cited above fit the language of the intervention rule.

Indeed, many of the cases cited above specifically treat the question of intervention as a matter of right. See, for instance, *Cascade Nat. Gas* v. *El Paso Nat. Gas*, 386 U.S. 129 (1967); *Securities and Exchange Commission* v. *U.S. Realty & Imp. Co.*, 310 U.S. 434 (1940); *Nuesse* v. *Camp*, 128 U.S. App. D.C. 172, 385 F.2d 694 (D.C. Cir. 1967); and the cases cited *supra*, note 9, discussed on pages 7–10 of this brief. See also *Kaufman* v. *Societe Internationale*, 343 U.S. 156 (1952).[25]

There remains for discussion only the qualification in the rule that intervention may not be granted as a matter of right if "the applicant's interest is adequately represented by existing parties." The difference in the interest of intervenors and the added urgency in their case makes it clear that they are not adequately represented by those who might reach accommodation for their respective interests without satisfying the overriding and paramount interest of protecting the flow of information to the public and to public representatives.

For instance, the third item in the prayer for relief in our motion is an item in which The Washington Post either has no interest or an adverse interest to these intervenors.

CONCLUDING STATEMENT

This brief is solely in support of the motion to intervene. If intervention is granted, intervenors will urge that no preliminary injunction should be granted in this case and will support such contention upon the basis of the arguments advanced in the Memorandum in Behalf of Amici Curiae American Civil Liberties Union and New York Civil Liberties Union, which was submitted to the United States District Court for the Southern District of New York in *The New York Times* case and to this Court on June 18, 1971.

The proposed intervenors, like the other parties, and this Honorable Court, recognize that a rapid resolution of this case is imperative, and their prayer to be permitted to intervene is made with full understanding of the practical difficulties confronting the Court in the trial of this case in the constricted time frame ordered by the Court of Appeals. Therefore, our request recognizes that the Court could, and should, place such reasonable restrictions on our participation as are appropriate and necessary to expedite the trial of the case. See *Smuck* v. *Hobson*, 132 U.S. App. D.C. 372, 377, 408 F. 2d 175, 180 (D.C. Cir. 1969), and the Committee Note of 1966 to Subdivision (a) of Rule 24. And see, Shapiro, "Some Notes on Intervention Before Courts, Agencies and Arbitrators," 81 Harv. L. Rev. 721 (1968) at 752–756. On their part, counsel will exercise prudent self-restraint in making it possible for this proceeding to be completed by the specified deadline.

It is urged that movants have standing in this case and that they are entitled to intervene as a matter of right. It is respectfully requested that this Court grant intervention as a matter of right or as a matter of equity.

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 Scheuer, and Lester L. Wolff and ask leave to intervene in this cause pursuant to Rule 24 of the Federal Rules of Civil Procedure 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 Washington Post 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

Footnotes at end of article.

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 processess 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 congressional 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 Washington Post 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 as is more fully described in the affidavit of Congressman Eckhardt submitted herewith. 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 or impede their ability to protect their interests, and the representation 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. Movants are willing to abide by such restrictions on their participation in this action as this court deems essential to speedy resolution of the issues herein.

Wherefore, these movants pray that

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

(2) 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, and

(3) That, whatever decision be made respecting defendant Washington Post, such right, if any, as movants, Congress or any committee thereof have to subpoena or otherwise obtain the documents in question in the possession of the Washington Post or others not be impaired or affected by any order of this Court.

Bob Eckhardt, 3312 N Street, N.W., Washington, D.C. 20007, 202-238-8706.

Thomas Emerson, Yale Law School, New Haven, Connecticut; Bruce J. Ennis, American Civil Liberties Union, 156 Fifth Avenue, New York, New York 10011, 212-924-7800; James H. Heller, American Civil Liberties Union Fund of the National Capital Area, 1424 16th Street, N.W., Washington, D.C., 202-483-3830, Attorneys for Movants.

Congressman Bob Eckhardt, being duly sworn, deposes and says:

I am one of the Congressmen who have moved to intervene in this action, and am personally familiar with the facts which have been alleged in the Motion for Intervention and the brief in support thereof filed by me and by co-counsel. All the provisions of the Motion for Intervention and pages 12 through 15 and lines 1, 2 and 3 on page 16 of the Brief are incorporated in this affidavit.

I solemnly swear that all matter contained in this affidavit, including that incorporated by reference, is true and correct.

ANSWER OF INTERVENORS

Intervenors who have intervened in this action with leave of the Court, answer the complaint herein as follows:

*First Defense*

The complaint fails to state a claim on which relief can be granted.

*Second Defense*

The court lacks jurisdiction over the subject matter of this action.

*Third Defense*

Plaintiff's claim is barred by the First Amendment to the Constitution of the United States.

*Fourth Defense*

Plaintiff's claim is an unconstitutional interference with the powers of Congress under Article I of the Constitution of the United States.

*Fifth Defense*

1. Paragraph 1 of the complaint states a conclusion of law and intervenors are not required to respond thereto. Intervenors deny that any Court of the United States has jurisdiction to enjoin a newspaper from publishing information.

2. Intervenors admit that plaintiff makes the averments that are made in Paragraph 2 of the complaint, but deny them insofar as they are factual averments.

3. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 3 of the complaint.

4. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 4 of the complaint, except that intervenors deny that defendants' actions were without lawful authority.

5. Paragraph 5 of the complaint states a matter of law and intervenors are not required to respond thereto. Executive Order 10501 speaks for itself.

6. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraphs 6 and 7 of the complaint.

7. Intervenors are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 8 of the complaint, except that intervenors deny that defendants' actions were without lawful authority, and deny that defendants communicated information to persons not entitled to receive such information.

8. Intervenors deny the averments of Paragraph 9 of the complaint.

9. Intervenors deny the allegations of Paragraph 10 of the complaint.

ORDER

On this the — day of —, 1971, came on to be heard the Motion of 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 Scheuer, and Lester L. Wolff, intervenors in the above styled and numbered cause, and it appearing to the Court that the same are entitled to intervene in this cause, it is hereby:

ORDERED, ADJUDGED AND DECREED that the above listed persons are granted leave to intervene in the above styled and numbered cause.

——— ———,
*Judge.*

FOOTNOTES

[1] There must be one qualification. In the case of an intervenor it has been held that there may be sufficient interest to justify intervention even if there would not be a case or controversy between the plaintiff and the intervenors as principal parties so long as the case between the original parties itself presents a case or controversy. *Ford Motor Co.* v. *Bisanz Bros.*, 249 F. 2d 22 (8th Cir. 1957); Shapiro, "Some Thoughts on Intervention Before Courts, Agencies, and Arbitrators," 81 Har. L. Rev. 721 (1968), at p. 726, and the authorities cited therein.

[2] Since the status of intervenors argued for here is the basis for the considerations and arguments that these movants would make in the case, it is more meaningful and natural to refer to them, somewhat prematurely, as "intervenors"; and we shall, with deference, so designate them in this brief.

[3] See, to the same effect, *Lamont* v. *Postmaster General*, 381 U.S. 301 (1965). *United States* v. *Dellapia*, 433 F. 2d 1252, 1258, n. 25 (2d Cir. 1970); *Caldwell* v. *United States*, 434 F. 2d 1081, 1089 (9th Cir. 1970). *Hiett* v. *United States*, 415 F. 2d 664, 671 (5th Cir. 1968).

[4] E.g., the bills described in the affidavit of Congressman BOB ECKHARDT, submitted herewith.

[5] For cases noting the special interest of public representatives and agencies as intervenors, see *Cascade Nat. Gas* v. *El Paso Nat. Gas*, 386 U.S. 129 (1967); *Securities and Exchange Commission* v. *United States Realty & Imp. Co.*, 310 U.S. 434 (1940); and *Nuesse* v. *Camp*, 128 U.S. App. D.C. 172, 385 F. 2d 694 (D.C. Cir. 1967).

[6] ——— F Supp. ——— (E.D.N.Y., 1971), 39 LW 2531, et seq.

[7] 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.

[8] Had the proceeding been filed under Chapter X, as the Commission contended it should have been, the Commission would have had a statutory right to oversee the proceeding.

[9] Proposed intervenors believe the above decisions are controlling. See also, as additional support for intervention, *Smuck* v. *Hobson*, 132 U.S. App. D.C. 372, 408 F. 2d 175 (D.C. Cir. 1969); and *Wolpe* v. *Poretsky*, 79 U.S. App. D.C. 141, 144 F. 2d 505 (D.C. Cir. 1944), *cert. denied*, 323 U.S. 777 (1944).

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

[11] Congressmen McCloskey and Harrington inserted the *New York Times* installments of Sunday, June 13, and Monday, June 14, in the Congressional Record on June 14, 1971 (19563–19603; 19729–19767). On the same day Senator McGovern inserted the same documentation 19670–19707). On the next day Senator McGovern inserted the third installment which appeared in the Tuesday, June 15, *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).

[12] Congressional Record, June 16, 1971, 20212.

[13] Congressional Record, June 17, 1971, 20541.

[14] Congressional Record, June 17, 1971, 20549.

[15] Congressional Record, June 17, 1971, 20550.

[16] Congressional Record, June 17, 1971, 20549.

[17] Congressional Record, June 17, 1971, 20557.

[18] Congressional Record, June 16, 1971, 20257.

[19] Congressional Record, June 16, 1971, 20264.

[20] Congressional Record, June 16, 1971, 20284.

[21] Congressional Record, June 17, 1971, 20558.

[22] See Section 8 of Article I of the Constitution of the United States.

[23] See also, in addition to the cases cited *supra*, note 3, *Brooks* v. *Auburn University*, 412 F. 2d 1171, 1172 (5th Cir. 1969); *Fortune Society* v. *McGinnis*, 319 F. Supp. 901, 904 (S.D. N.Y. 1970); *United States* v. *B. & H. Dist. Corp.*, 319 F. Supp. 1231 (W. D. Wisc. 1970); *ACLU* v. *Radford College*, 315 F. Supp. 893 (W. D. Va. 1970); *Williams* v. *Blount*, 314 F. Supp. 1356 (D. D. C. 1970); and *Smith* v. *University of Tennessee*, 300 F. Supp. 777 (E. D. Tenn. 1969).

[24] *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).

[25] Although believing that intervention is clearly available as of right, proposed intervenors also qualify for permissive intervention under Rule 24(b) because their claims and defenses forcefully raise questions of both fact and law common to the main action; and by consenting in advance to limited participation, they insure that intervention will not unduly delay or prejudice the rights of the original parties.

## MSGR. ANTHONY DI LUCA CELEBRATES 65 YEARS AS PRIEST

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

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. RODINO. Mr. Speaker, it is a special privilege to join in honoring Msgr. Anthony Di Luca, pastor emeritus of the Holy Family Roman Catholic Church in Nutley, N.J., who will soon celebrate the anniversary of his ordination into the holy priesthood which took place in Italy in 1906.

I cannot begin to express my gratitude to Monsignor Di Luca for his unselfish devotion to the needs of others. No man has worked more tirelessly and more relentlessly for the good will of all.

Unfortunately, I can only share with you, my colleagues, my expressions of praise in behalf of Monsignor Di Luca, and not the warmth, sincerity, humor, and gentleness which are so much a part of him. For these are qualities which cannot be captured in praise, they are the treasures of we who know him, and we are richer for it.

## THE PORTSMOUTH-KITTERY NAVAL SHIPYARD MAINTAINS COST REDUCTION EFFORTS

### HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. KYROS. Mr. Speaker, on June 7, 1971, Rear Adm. John W. Dolan presented the Secretary of the Navy's Cost Reduction Program Excellence Award for fiscal year 1970 to Capt. Donald H. Kern, commander of the Portsmouth-Kittery Naval Shipyard. As reported below in the Portsmouth Periscope of June 11, 1971, Admiral Dolan stated that the Portsmouth-Kittery facility "is in a favorable position to take first place in competition for fiscal year 1971, indicating a continuing effort in cost consciousness."

Once again, we are provided with evidence firmly justifying the recent decision to rescind the closure order which had previously been threatening the future of this outstanding defense facility. I would like to commend the commander and employees of the Portsmouth-Kittery Naval Shipyard for their continued cost consciousness, efficiency, and dedicated work in behalf of our national security.

SECRETARY OF NAVY COST REDUCTION AWARD IS PRESENTED TO PORTSMOUTH

Portsmouth ranked first among naval shipyards in the Cost Reduction Program for Fiscal Year 1970 in percentage of goal attained. This Shipyard attained 225.5 per cent of its assigned goal with a validated savings of $3,748,200.

Rear Admiral John W. Dolan, Deputy Commander for Field Activities and Program Director for Shipyard Modernization and Management, Naval Ship Systems Command, cited Portsmouth for its Cost Reduction leadership during a visit to PNS Monday, June 7. He also recognized that Portsmouth is in a favorable position to take first place in Fiscal Year 1971, indicating a continuing effort in cost consciousness.

He presented a Secretary of the Navy Cost Reduction Program Excellence Award and Cost Reduction pennant to Captain Donald H. Kern, Shipyard Commander and four employees whose efforts helped PNS attain first place among naval shipyards in Cost Reduction. They are Doyle T. Sowerby, Shipyard RECON Program Manager and Vern Ramsdell, Planning; Wendell Cummings, Production; and Clay Tucker, PERA (SS), RECON coordinators of the departments contributing the most cost reduction items. RECON stands for Resources Conservation and is the new designation for the Cost Reduction Program.

## PROTECTION FOR VICTIMS OF UNINSURED MOTORISTS

### HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. FAUNTROY. Mr. Speaker, all of us who live and work in the city of Washington are familiar with the problems resulting from the operation of vehicles by uninsured motorists. My colleague, Mr. GUDE of Maryland, recently introduced legislation to protect the victims of accidents caused by these drivers. As one of the cosponsors of this legislation, I would like to share with you an editorial which appeared in the June 12 edition of the Evening Star supporting the measure:

UNINSURED CRACKDOWN

Last January, as so frequently before, local officials begged Congress for a law to provide some measure of protection against uninsured motorists in the District. This week, in a break with the past, six members of the House District Committee finally became sufficiently aroused to introduce the city government's bill, with a plea for enactment.

That action was encouraging on two scores. First, the sponsors, equally divided by party, represent a segment of the House committee membership sizable enough to secure public hearings if they really push. And that, of course, is the crucial step, for it is hard to imagine that the present outrageous situation will be allowed to continue if the facts are spread fully on the record.

Secondly, the sponsors accurately are presenting the problem not merely as another local issue, but as one which ought to concern every member of Congress. The basic fact is that an estimated 30,000 of the 269,-156 autos registered in the District are not covered by liability or property damage insurance. What that means, as Representative Gude told the House the other day, is that not only District residents but all visitors, "our constituents, are in very real financial danger when they walk or drive in the District of Columbia." It is impossible to know, he said, how many thousands of innocent victims already "have faced substantial costs with little expectation of any recovery from the drivers who injured them or their property." If nothing else awakens the interest of Congress as a whole, that argument should.

In essence, the bill would require uninsured motorists to pay a $40 fee to get their vehicles licensed, the fees to support a fund which would not relieve the uninsured of responsibility but which would provide a source of fiscal relief to victims. A second provision, widely adopted by the states, would require that all auto insurance written in the District also contain a protective clause against accidents with the uninsured.

Whether these provisions are adequate is a question which should be explored at the hearings. But there simply is no room for argument on one point: The fact that the District is now the only jurisdiction in the nation which affords *no* legal protection whatever against the uninsured is an instance of unconscionable congressional neglect.

## MINORITY STAFFING REFORMS

### HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. CONABLE. Mr. Speaker, our system of government has two characteristics in which we justly take a great deal of pride. It has the capacity to reform and renew itself to adapt to changing times. It is also carefully balanced so that change is not ill considered or capricious. Necessarily we provide for means by which occasionally a minority can participate significantly in the process.

It is fortunate for our system and our own peace of mind that acts of unvarnished partisanship are rare. But one such act occurred in January of this year. In response to it I am joining today with 154 of my colleagues in introducing a resolution to restore to the House rules a provision permitting the minority party of a committee of the House to receive upon its request up to one-third of the funds available to the committee for investigative staff.

The Legislative Reorganization Act of 1970 was passed with a maximum of bipartisan cooperation and it demonstrated the House's capacity for change. It may have been proper at the time to view its passage as some form of millennium. At the outset of this Congress, however, we saw a demonstration of partisanship and heavy-handed rule that will not be equalled for some time. By use of extraordinary parliamentary devices and means fundamentally unfair to members on both sides of the aisle, minority investigative staffing authority was excised from the rules by the majority party. On threat of loss of seniority, members of the majority party were forced, regardless of individual points of view, to vote to strike this provision.

The precedent set by this vote is dangerous and I hope it is never followed. A numerical minority of the majority party, in secret session and on threat of serious reprisals, successfully forced their colleagues to take their point of view. The means are always there for a political majority to work its will, but it usually takes an overwhelming consensus of its memers to accomplish it. To allow a minority to dominate is diametrically opposed to all ideals of fair play. To operate through secret session with punishment as the only organizational cement smacks of the operations of another time or place. It is ironic that this important portion of the Legislative Reorganization Act should be subverted by a combination of devices counter to the bipartisan spirit of change which surrounded its debate and passage.

Adequate minority staff is vital to the efficient operation of our committee system and to the strength of the House and the legislative branch. Providing the minority with the resources to develop and argue, when necessary, a separate point of view will give greater assurance that the result of a committee's deliberations will be a suitable solution for the problem at hand. In short, there will likely be benefit to the majority in giving the minority this additional staff. It may be a means to dilute reliance on executive branch expertise in our legislative workings.

I acknowledge the possibility that a committee staff may now be nonpartisan in actual practice and I can also envisage a committee providing the minority with more than one-third of investigative staffing funds. These situations must be viewed as exceptions to the general rule and situations which can change radically with new leadership. It is, therefore, necessary that adequate staffing be a part of the House rules so that a minority will not be denied manpower and information resources through the caprice of partisanship. As has been frequently noted, the House is populated primarily by men and until the angels take over we must have rules to govern our conduct. We recognize the significance of adequate minority staffing last year and I sincerely hope that the majority that approved it then will move for its adoption now.

## RETIREMENT OF ALASKA STATE SENATOR HOWARD BRADSHAW—A LOSS FOR SITKA AND ALASKA

### HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. BEGICH. Mr. Speaker, at the close of the 1971 Alaska State Legislature, one of Alaska's pioneer lawmakers retired from the State Senate. State Senator Howard Bradshaw of Sitka closed a career of over 12 years of public service in the legislature.

As one who served with Howard Bradshaw for 8 of those 12 years, I believe I am qualified to speak on his years of service. He was one of those legislators who chooses not to become a public figure, but rather to confine his labors, his creativity, and his influence to the inner workings of the legislature. In this pursuit, he was a successful and extremely effective member of the senate.

He was an extremely fortunate man in that he represented Sitka, Alaska, certainly one of the most charming towns in this country, and surrounded by a magnificent combination of mountains and sea. He repaid this debt to Sitka and its people in full measure by representing his constituency with unusual power and effectiveness. He will be sorely missed by those constituents and by the many members of the Alaska Legislature who relied on his leadership and knowledge of politics.

What is fortunate for all Alaskans is that the retirement of the Sitka Democrat does not mean his loss to Alaska public service. As he retired, Gov. William Egan appointed Senator Bradshaw as the director of the Alaska Pioneer's Home in Sitka, the first of the Alaskan pioneer homes established in Alaska, and one which Howard Bradshaw helped to nurture.

I want to take this opportunity to thank Senator Howard Bradshaw for his long service to Alaska, to commend him on behalf of all Alaskans for his valuable contributions and to wish him the best in his new position.

## ELECTRIC RELIABILITY

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. BADILLO. Mr. Speaker, we are rapidly approaching that time of year when the threat of power blackouts and brownouts becomes a fact of daily life. This has been so for several years now and yet Congress and the administration are still apparently unable to come to grips with a comprehensive approach to electric reliability.

In recent years one of the foremost spokesmen for electric reliability and environmental protection has been Richard L. Ottinger, the former Congressman from New York's 25th District and the Democratic candidate for the U.S. Senate from New York last year. As a coauthor of legislation which would have given the Federal Power Commission authority to require regional power planning to approve all power plant construction and to resolve power siting disputes, Mr. Ottinger began an effort that is now up to us to complete.

Congressman Ottinger's comments on this issue were expressed in an article appearing in the June 18 editions of the New York Times. With the hope that his views will spur congressional action in this vital area, I present the article for inclusion in the RECORD and commend it to the attention of my colleagues:

HOW TO GET POWER TO THE PEOPLE

TO AVOID SUMMER BLACKOUTS AND LOWER RATES, ELECTRIC ENERGY MUST LEAP OVER CITIES

(By Richard L. Ottinger)

There is no national shortage of electrical power today. Rather there is a disastrous maldistribution of generating and transmission capacity and a shocking lack of effective coordination between systems. The true cause of the power shortage that faces certain areas is the individual power companies themselves and their refusal to engage in the national planning.

To be sure, there exist certain regional power pools, grids and arrangements today to permit transmission from one company system to another. But these are designed for emergency protection rather than for the orderly planning and construction for power needs on a regional basis.

Regional production, regulation, rate setting and a basic revision of the rate structures are what are needed to meet our national power requirements—leaving aside the larger question of whether those requirements should be allowed to continue to burgeon.

Power should be produced at the location where it can be produced most economically and with least ecological damage, regardless of company jurisdiction.

The Federal Power Commission should be authorized to require regional power planning, to approve all construction, and to resolve location disputes with adequate provision for protection of the environment.

The Electric Reliability Act, which Senator Edward M. Kennedy and I introduced in the last Congress, joined by 23 other Congress-

men, would give the F.P.C. the necessary jurisdiction and provide for protection of the environment through the creation of an independently appointed environmental council with responsibility to review and conduct prior ecological studies with respect to all contemplated F.P.C.-licensed projects. The F.P.C. would also be empowered to require interconnection of all systems.

Unfortunately, the Edison Electric Institute, representing the nation's private utilities, has consistently and effectively opposed this or any other kind of regional regulation.

The major present obstacles to regional production of power and its transportation to the areas of need are (1) inadequate private utility cooperation, (2) inadequate F.P.C. authority, and (3) the existing rate structure which establishes power rates for the private utilities based primarily as a return on invested capital.

Today's rate structure virtually mandates construction of plant by each company to meet its own needs. The incentive is for companies to increase invested capital (their rate base) by building their own production rather than by buying power from other systems. The present structure also creates an incentive to retain obsolete equipment in order to maintain the rate base, the consequence of which New Yorkers are suffering inordinately today.

The F.P.C. should be empowered to establish rates on a regional basis for all power companies, public and private, on a cost-incentive basis.

The cost standards should be set by comparing costs of production, transmission and servicing among companies, public and private, servicing similar areas. This would eliminate some of the ludicrous disparities that presently exist. For example, a person living in the section of Queens serviced by Consolidated Edison pays an average monthly bill of $14.82 for 500 kilowatts of power, whereas a person living in the adjacent Queens neighborhood served by Long Island Lighting Company pays only $11.69. The same power for Plattsburgh residents, served by the New York Power Authority, costs only $5.35. The only reason that New Yorkers pay the highest rates in the United States today (except for Alaska) is the artificial definition of service area.

The reactionary attitudes of the private utilities toward accommodating other power systems, performing research (less than 1 per cent of sales is spent on research) and persistently resisting Federal regulation and intersystem cooperation, are more responsible than any other factor in our current and projected power problems.

Unless these attitudes are changed, and I think it will take Federal legislation to change them, there is little hope for resolving our future power problems in any way that makes sense either for assuring power reliability or protection of the environment.

## COMMONSENSE IN COMMITTEE STAFFING

### HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. ROBINSON of Virginia. Mr. Speaker, in the 91st Congress, the House acted wisely, in the Thompson-Schwengel amendment to its rules, by providing a reasonable ratio between majority and minority staffing of committees.

This was a notable step toward more efficient conduct of legislative business.

Unfortunately, a regressive step was taken at the commencement of the 92d Congress, when the majority stripped the staff apportionment provision from the rules.

In joining today in sponsorship of what I regard as an entirely reasonable resolution to amend the rules again in behalf of adequate minority staffing on the committees, I am confident that favorable action would contribute toward an objective which cannot be regarded as in any sense partisan. This is the availability to all members of sufficient qualified staff backup to permit them to arrive at fully informed judgments on matters coming up for consideration.

The proposal of today's resolution is not that the minority invade in any respect the staff allocations of the majority, but merely that the minority be entitled to one-third of committee staffing funds—and only if a majority of such minority finds need of such measure of staffing, and requests it.

The preceding Congress saw the House recognize this formula as reasonable. The volume and complexity of legislation increases with each succeeding session. We need to face up to this business management matter in a responsible way, so that we may get on with our business in the committees responsibly, and with dispatch.

## LEGISLATION TO AMEND THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT CONCERNING PRESENT COUNTY COMMITTEES

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. ZWACH. Mr. Speaker, I am today introducing legislation to amend the Soil Conservation and Domestic Allotment Act concerning present county committees. Specifically, the proposed amendment would authorize the Secretary of Agriculture to consolidate one county with another county or counties, or parts of a county with other counties, in instances where the county or counties contain so few farmers that it is impractical to try to elect county committees, or to efficiently administer the programs separately in each county.

Along with consolidation, this amendment would provide for community committee elections to be held each 3 years rather than annually. This would result in considerable savings of administrative funds. ASCS field personnel have expressed the opinion that reducing the frequency of community committee elections would result in greater interest in the elections by farmers and increase farmer participation in the elections.

It would also eliminate the provision for secretaries for county and community committees. Due to changes in the type and implementation of farm programs since the act was passed in 1938, community committeemen do not now take official actions which require the service of a secretary. Each county committee employs a county executive director who employs other help as needed, and either the county executive director or another employee could logically perform secretarial service for the county committee when needed.

This amendment would implement a saving in operating costs and would vastly facilitate program administration at the county level in those cases where it is instituted.

## HIGHWAY TRUST FUND

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. BROOMFIELD. Mr. Speaker, by 1980, 80 percent of our population will be living in urban areas; by that same year, auto ownership in the United States is expected to increase by 64 percent. One need not be an expert to understand the implications of those two statistics: the end of the present decade will find our already-congested cities snarled in traffic, suffocating on pollution and buried under parking lots. Not a pleasant prospect in a time when millions of citizens are clamoring for a cheap, clean and convenient mode of transportation.

Somehow, Mr. Speaker, we are going to have to transfer the bulk of our transportation effort from automobiles to mass transit. Somehow we are going to have to give States and cities the capability to develop efficient and profitable mass transit systems.

Unfortunately that capability exists only to a very limited degree today. Last year, for example, Congress authorized $20 billion over a 5-year period for highway construction, but only $3.1 billion over the same period of time for mass transit development. Moreover, the existence of the highway trust fund militates against any reordering of our transportation priorities.

The highway trust fund was established in 1956 under the Eisenhower administration to insure a comprehensive program of roadbuilding. The President warned against a "piecemeal approach" to the problem and urged that gas, tire and vehicle taxes be placed in trust to be used solely for the highway system. By guaranteeing continued Federal subsidies for roads, the fund would facilitate long-range planning: contractors and States alike would have the confidence that whatever they decided upon could be paid for. The brilliant success of the network we eventually developed can be attributed to the integrated and comprehensive plans they drew up. Roads were not built as money became available, section-by-section, but rather, as they were needed by the Nation as a whole.

The major problem with the trust fund is simply this: by guaranteeing the construction of roads it virtually eliminates consideration of other modes of transportation. The choice facing the States

is simply to build highways or do nothing, for moneys allocated to a State from the trust fund are returned to the fund, if they are not used on highways. As a result, other forms of urban and interurban ground transportation have not been given a fair chance to prove what drawing power they might have had, if they had been developed with even half the $50 billion or more spent on highways since 1956.

For this reason I am introducing a bill that would give States the authority to divert funds from the highway trust fund to support other modes of transportation—specifically, mass transit. Under my bill a Governor would have the flexibility to encourage the design of balanced transportation programs suited to the individual needs of his State.

Mr. Speaker, as long as the highway trust fund has proven so successful, I feel it only proper that its benefits be extended to other transit needs. I trust my colleagues will agree with me and give this bill a prompt and thoughtful hearing.

## SPACE SHUTTLE: KEY TO FUTURE

### HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. ANDERSON of Tennessee. Mr. Speaker, our country has made such remarkable progress in space, that I cannot imagine we would falter now. Yet a recent letter from Mr. Thomas F. Buck, president of the Spaceward Corp., indicates there is a real danger our Nation will relax its thrust into space at the very time we should be exploiting all the opportunities and special dividends thus far offered.

The space shuttle offers the means for technicians to check, service, and repair orbiting satellites which are increasing both in numbers and complexity. It offers the sensible continuity that our space program must have, if we are to continue with the brilliant and inspirational success story which our scientists, engineers and astronauts have thus far written into history.

I insert Mr. Buck's letter with the enclosed article by Arthur Clark which focuses attention on America's need for the space shuttle.

THE SPACEWARD CORP.,
*New York, N.Y., June 15, 1971.*

Congressman WILLIAM R. ANDERSON,
*Cannon Office Building,*
*Washington, D.C.*

DEAR BILL: Dr. George Mueller, who directed the Apollo program and is now with the Systems Development Corporation in Santa Monica, has said: "If America does not get the shuttle—post haste—America will not have a space program." Dr. Mueller, you'll recall, was just awarded the 1970 Medal of Science by President Richard Nixon for his execution of the Apollo system.

We at Spaceward also have a strong conviction of the immediate need for the shuttle and space station program.

The attached letter by Arthur Clarke, featured in the Letters To the Editor column of the *New York Times* endorses by inference Dr. Mueller's point of view on the shuttle. It may be of great interest to you.

If you have a house organ through which this letter may reach interested readers, please feel free to reprint it without fee. We request only this change: to Arthur Clarke's signature please add—Vice President, Spaceward Corporation, 330 East 56th Street, New York City.

We hope Arthur's thinking gets the widest audience possible. He has just signed a contract with CBS to appear on the Cronkite coverage of Apollo 15. During his remarks he will be addressing the Spaceward films—the space benefits to our social scene. We may even have some clips to show, if this is feasible.

Cordially,

THOMAS F. BUCK,
*President.*

[From the New York Times, May 22, 1971]

SPACE SHUTTLE: KEY TO FUTURE

TO THE EDITOR:

Professors Adams and Katznelson have done a public service in focusing attention on the space shuttle, though ironically their recent letter shows no conception of its importance; to them, it is clearly just another military-industrial boondoggle.

We can manage (for a few years at least) without the SST; we have alternative means of transportation. But the shuttle is the precise equivalent of the DC–3; where would aviation be now without that? By replacing the present one-shot rockets by reusable vehicles, it will enable us to get pay-loads into orbit at a fraction of today's costs.

This must be done, if we are to save our planet. It is now obvious—except to the willfully ignorant—that many of the solutions of our present social and environmental problems lie partly in space. (As the mathmeticians would say, the space segment is necessary, but not sufficient.) Geodetic, meteorological and communications satellites have amply demonstrated their value; the potential of earth resources and—perhaps above all—educational satellites is even greater.

Living as I do in Ceylon, I am well aware of the problems of developing nations. Recently I visited India, filming the impact of the forthcoming ATS–F satellite project. This will broadcast family planning, agricultural and educational programs to the entire subcontinent—so that they can be picked up by ordinary domestic receivers with about $200 of auxiliary equipment. It needs only one receiver per village to start a social and economic revolution, at a cost of about $1 per person per year. And this applies not only to India but also the South America, Africa, Oceania—the whole of the underdeveloped world.

What has the shuttle to do with this? One answer is given—perhaps accidentally—by the illustration of the Orbiting Astronomical Observatory which appeared with the Adams and Katznelson letter.

That satellite cost $50,000,000. It failed, through a minor circuit defect, immediately after it went into orbit. A man with a screwdriver might have been able to fix it.

As our applications satellites become larger and more complex, space shuttles will be essential not only to orbit them, but to carry the technicians who must check, service and repair them. In the next decade this will be so obvious that it will seem incredible that intelligent men ever disputed it. But there will be no shuttle in the next decade—unless we start planning it now.

ARTHUR C. CLARKE.

NEW YORK, May 15, 1971.

## SELF-DETERMINATION OF THE BALTIC PEOPLES

### HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. MINSHALL. Mr. Speaker, this month marks some memorable anniversaries for the Baltic States. I wish to express my continued concern and sympathy for the citizens of Lithuania, Latvia, and Estonia, and my admiration for their unflagging courage throughout the stormy and often tragic days of the last 31 years.

Since first coming to the Congress in 1955, I have dedicated myself to working for the eventual freedom of captive nations throughout the world. Those efforts will continue unabated.

I am grateful to the Lithuanian-American Community of the United States of America, Inc., for the following excellent summary of events in the Baltic Nations since 1940:

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 ex-

perienced 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 reestablished. 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.

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## SCS: GUARDIAN OF NATURAL RESOURCES

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## HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. NELSEN. Mr. Speaker, I have received a highly informative article on the work of the Soil Conservation Service in Minnesota which appeared in the April 30 issue of the Marshall Messenger, Marshall, Minn. It outlines the SCS aims, present accomplishments, and projections for the future to develop and conserve our natural resources, with particular reference to my own Second Congressional District and to the Sixth District.

The article was supplied by Mr. Harry M. Major, Minnesota state conservationist with the SCS, and I am pleased to include it at this point in my remarks:

CONSERVATION SERVICE AIM: PROTECT, DEVELOPE RESOURCES

(By Gerald A. Simpson)

The soil conservation program of the Minnesota Soil Conservation Districts and the Soil Conservation Service is concentrating on those practices which help protect or develop the natural resources of the Districts and the State. These are the resources of soil, water, air, and the plants and animals that grow on them.

These very items of water quality, pollution, beauty of the countryside, flood control and lake shore zoning more recently are getting the public's attention through the news media and by laws and ordinances. Districts are glad to see this awareness to environment protection.

They hope that they can continue to supply the basic information of soils, runoff control characteristics, plant growth habitats, and land-use principles to land operators, public and private, to really improve and conserve the resources of Southwest Minnesota.

The Lyon, Lincoln, Rock, and Cottonwood Soil Conservation Districts were organized in 1945 and 1946. The remaining districts began operation from 1947 to 1955.

In every case, erosion control by planning and applying soil conserving practices has been the number one emphasis in each District. Technicians of the Districts quickly learned that water conservation and sediment control were closely allied. You had to control water flow to control erosion and movement of sediments off land. To this day, sediments make the largest volume of pollutants which get into the streams and lakes.

Plant nutrients like nitrogen, phosphorus, and potash along with bits of organic matter and perhaps spray residues reduce water quality and tend to increase flood problems.

About 16 years ago, the Districts and the Service quit furnishing engineering assistance on legal drains in Area V. With but a few exceptions, we have not laid out tile drains on private lands during the last 12 years unless the tile was a part of a terrace or waterway system.

This was to concentrate on erosion control, windbreaks, wildlife practices, and more recently on community projects particularly recreation and beautification. The control of barnyard and feedlot runoff got off to a nice start last year.

Let's look at some of the accomplishments in Area V, the 13 Southwest Minnesota Districts, for the last year. Conservation planning or application took place on 4,821 farms and with 139 groups of farmers who had a problem requiring group action.

In addition, some type of planning service was furnished to 87 units of government such as county boards, planning commissions, park boards, villages, or cities within the area. County ASCS committees referred 1,980 practices referrals to us for need and certification where required. These contacts plus previous work done with people resulted in the following application of conservation practices:

PRACTICES FOR SEDIMENT CONTROL AND WATER AND AIR QUALITY

Contour farming—5,206 acres.
Crop residue management and minimum tillage—26,230 acres.
Diversions and terraces—132 miles.
Contour strip cropping—1,177 acres.
Grassed waterways—409 acres.
Farmstead and feedlot shelter—894 acres.
Field windbreaks—9.5 miles.
Grade control structures—206 each.

PRACTICES FOR WATER MANAGEMENT

Farm ponds—97 each.
Flood control and fish ponds—6 each.

PRACTICES FOR PRIVATE WILDLIFE HABITAT DEVELOPMENT

Wetland development—623 acres.
Upland habitat—576 acres.
Tree planting—17 acres.
Recreation area development—99 acres.

PRACTICES FOR POLLUTION ABATEMENT

Feedlot control system-planned—25 each.
Feedlot control system-installed—10 each.

On the above practices, the County ASCS Committees cost-shared as an incentive to get people to install them. Also, on about 250 acres of farmstead shelterbelts, the Minnesota Department of Natural Resources also cost-shared for two extra rows to improve the planting for wildlife cover.

These are largely practices on individual tracts of land. Watersheds, community projects, and soil surveys normally are in progress over several years. Let's look at some of them.

WATERSHEDS

Lakes Okabena-Ocheda Watershed, Nobles County. This 73 square mile watershed around Worthington largely involves water management and water quality protection. Watershed planning was completed in 1965, and construction is now in the fourth year. Two desilting basins were constructed in 1967 in a bay of Lake Okabena, which is cut off by a county road.

These structures cause 83 percent of the silt from a seven-mile drainage area to be dropped in the bay rather than spread out over the lake. In 1969, 2.5 miles of channel improvement were installed for flood control and to protect existing drainage outlets. Last year, a multiple purpose dam and reservoir was started and will be completed with two months more work. This dam provides a 182-acre recreation pool plus flood protection to 1,251 acres of lands below it.

A 40-acre county park will be developed beside the lake in about a year. This year the Watershed District is planting about 10,000

trees on a portion of the area for wildlife development. In about a month, a contractor is ready to start construction of another 2.5 miles of channel improvement. This will move excessive flood waters out of Lake Okabena, affording the city and some farmland better flood protection. Next year a wildlife development will be installed. This will consist of a shallow pool of 247 acres and about 140 acres of upland habitat. Excess water from a 5.3 square mile watershed after filling the wildlife pool will be diverted to Lake Okabena to help stabilize water levels.

Upper Deer-Lake Hendricks at Hendricks. This is a 57 square mile watershed of which 42 square miles is in South Dakota and 15 in Minnesota. It is unusual in that it has two outlets. In overflow or flood conditions, most of the water flows down Deer Creek thus by-passing Lake Hendricks, which outlets into the Lac qui Parle River.

The watershed plan was completed in 1966 and it is now in the construction stage. In 1969 and 1970 a large floodwater reservoir was constructed which stores flood flow from 17 square miles and meters it into Lake Hendricks. Eight miles of channel improvements will be built on Deer Creek in South Dakota this year. Engineering plans have been completed for the improvements on the Minnesota side.

This consists of a lake level outlet structure, about a mile of flood control channel down stream from the lake to remove flood waters away from the city park and the city well, and two miles of channel for flood control, and for existing tile outlets and the outlet from the village lagoon.

The County Board did not get a satisfactory bid for the work last fall. Another bid letting will be held on June 1. In addition to these improvements, about 160 acres just north of the lake have been purchased or leased by the Minnesota Department of Natural Resources to be set aside and developed for wildlife as a part of the project.

Canby Creek Watershed. Watershed planning has been in progress for several years with a 30 square mile watershed at Canby. In spite of unstable sands at some locations, a feasible solution has been found to greatly reduce flooding in the Village of Canby and to about 3,000 acres of farm land.

The plan will be completed and approved in about three months. The improvement measures will be one multiple purpose flood water retention and recreation reservoir and two flood water reservoirs. The big reservoir will have a 128-acre permanent pool.

It is anticipated that the local people will develop a 40-acre county park on one shore. The poc. and spring flow should provide some good fishing. The three reservoirs will retain the flood flow from about 25 square miles of steep rolling land, metering it downstream at a slow flow that channels and bridges can handle. It will take five to seven years for the local people to obtain rights-of-way and for construction, planning, and actual building of these measures.

The watershed area above all structures will need the soil conservation and pollution abatement practices applied before construction can commence.

Other watersheds in Southwestern Minnesota. Watershed planning is in progress on the Upper Watonwann River in Cottonwood and on Mound Creek in Cottonwood and Brown Counties. Both will involve flood control reservoirs and wildlife developments.

Some work has been started on planning Norwegian Creek at Lake Benton, but the solution found to date is an open flood control channel. It will not have a high priority for construction funds.

The South Dakota Soil Conservation Service Staff is currently planning with the Cobb-Florida Creek Watershed in Deuel, Yellow Medicine, and Lac qui Parle Counties.

It is planned to start planning on the Tyler Watershed this fall. The Tyler Watershed is mostly in Lincoln County and a tributary of the Redwood River.

BASIN STUDIES

A basin study looks at all resources dealing with local water management problems. It in particular will reveal which flood control projects are most feasible and on which the most protection can be obtained for the money spent.

Field work on the Big Sioux Basin has been completed and the report will be out this fall. This basin includes all of Rock County and parts of Nobles, Murray, Pipestone, and Lincoln Counties. As a side benefit, we have been able to furnish the county boards in this basin with engineering data as to flood height on all streams in the basin for their use in flood plain zoning.

Work was started on the Southern Minnesota Basin study last July 1. For the next two years it will concentrate on the Blue Earth River and its tributaries. Then work will progress to all the tributaries of the Minnesota River.

This will give date for planning in the Yellow Bank, Pomme de Terre, Lac qui Parle, Yellow Medicine, Redwood, and Cottonwood Rivers in western Minnesota. It will give the local Districts and county boards good information for selecting local flood control projects.

SOIL SURVEYS

A county-wide soil survey gives pertinent information for conservation planning, for installation of most pollution abatement practices as lagoons, feedlot runoff control, and for septic tank disposal fields. It is also useful in county land-use planning, flood plain, and lake shore zoning. The interpretations are also used in the location or suitability of sites for sanitary land fills, the location of recreation areas, roads, and single story buildings. It can be used as a guide in equalizing assessments on farm lands.

The Lincoln County soil survey report was published and released about a year ago. The field mapping has been completed in Nobles and Pipestone Counties. The field work on the reports was completed this winter. The cartographers and printers will complete and release these reports in two to three years. The Service soil scientist at Marshall will concentrate on mapping Lyon County until it is completed. See that story elsewhere in this issue.

COMMUNITY PROJECTS

Almost every Soil Conservation District has several community projects going at one time. Some are relatively simple while others are more complex and take several years to accomplish. We will describe a few of them.

At Morton, Minnesota, the Redwood District is leading a project with Indian Council. It will involve the cooperation of several agencies and groups. The Indian lands south of Morton are light textured and subject to wind erosion. Dusty conditions and plugged roads are disagreeable to many. Over the past two years, a plan for several miles of field windbreak has been made.

Site preparation was done last year with OEO employment and county highway equipment. The windbreak trees will be planted this year and next spring, using District planting stock, tree planter, and REAP program. Some care and cultivation will be needed for several years. This will probably come from OEO funds. White farmers who rent the Indian lands are also most cooperative on the project.

In addition, the Minnesota Forestry personnel have cruised 250 acres of mature timber on the river bluff. They are attempting to help the Council find a profitable market for the logs. If the tree planting is successful, there are several other developments which may be added to the reservation.

At Walnut Grove, the community and the county board have been most active in establishing a county park on Plum Creek about two miles southwest of the village. State recreation, county, and local funds have been used to obtain a 450-acre tract.

One aim has been to reestablish the Walnut Grove from which the village got its name and which was cut off about 1922. The 50-acre creek bottom has been included in the tract. On May 8 last year, school children and others planted over 10,000 trees in one day on the site. It will take several more sessions like this.

The community leaders were honored last November by the Sioux City Chamber and Journal for their active community spirit and enthusiasm in community conservation improvement project.

The Lake Benton community and the Lincoln County Board has similarly obtained and established the Hole-in-the-Mountain County Park. We understand it is enjoyed and in heavy use, including Marshall people.

Nobles County has been the leader in developing county parks and lake access. Seven or eight tracts have been developed to date in the county by the County Park Commission plus a village recreation and park area at Adrian and a Worthington city park on the southwest shore of Lake Okabena. In all cases, Service technical help on soils and some recreation practices has been furnished by the Soil Conservation Service.

Currently the Jackson and Dickinson Soil and Water Conservation Districts have been requested to work with the Greater Spirit Lake Development Committee. A large part of the natural watershed of Spirit and other lakes originates in Jackson County. The group is currently monitoring the pollution coming into the lakes.

This is an effort to protect the water quality before it becomes badly polluted. This particular watershed does not lend itself to use of PL–566 Watershed Protection Funds, so the program is being developed entirely by local effort and funds.

One of the most successful community projects was the Clarkfield village park and swimming pool. By local effort the community raised funds, constructed the pool, and developed a park. The pool was turned over to the school debt-free for operation as a part of the summer recreation program. The school can man the pool cheaper than it was costing to bus the children to Granite Falls twice a week for swimming lessons.

The project greatly stimulated community good will. It has been copied by five or six other communities. Again local technicians of the Service supplied some of the know-how on the project.

These community projects require a defined problem which can be solveable largely with local resources and with local leadership which will gather and use technical information which is available through local agencies.

SOILS SPECIALIST SAYS CHANGES MADE IN TEST PROGRAM

Several changes have been made this year in the University of Minnesota's computerized soil testing program that helps farmers formulate lime and fertilizer programs for crops.

The program has been simplified by eliminating the corrective recommendations that have been included on the forms farmers have received from the University's Soil Testing Laboratory in the past. The only corrective recommendation will be for the seeding time application for alfalfa, William Fernster, soils specialist, said.

The reporting form has been further simplified by giving only the oxide forms of phosphorus and potassium, which correspond to be label information on the fertilizer bag, he added.

Recommendations are available for nearly 80 crops, including wild rice, he said. Fertilizer and lime recommendations for all crops

appear in "Special Report No. 1" which will be available in May from the Lyon County Extension Office.

## AMERICAN ECONOMICS

### HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. CAREY of New York. Mr. Speaker, we all know that our economy is in trouble—that high unemployment and inflation both continue to hurt American workers and consumers. Yet, some people, notably administration spokesmen, have been insisting that the situation is improving—that "we have turned the corner."

AFL–CIO President George Meany knows better—and he made a good case against what he calls "Madison Avenue gimmickery" in a recent speech to the International Ladies' Garment Workers Union Convention. Furthermore, he suggests reasonable solutions to our economic problems both at home and in the area of international trade.

I think my colleagues would find his remarks both interesting and informative and should seriously consider his suggestions. For these reasons, I include his remarks in the RECORD at this point:

ADDRESS BY AFL–CIO PRESIDENT GEORGE MEANY TO THE 34TH CONVENTION OF THE INTERNATIONAL LADIES' GARMENT WORKERS UNION AT MIAMI BEACH, FLORIDA, ON MAY 10, 1971

Thank you, President Stulberg, officers of the ILGWU, and delegates to this outstanding convention of an outstanding American organization.

I am always delighted to attend a convention of the Ladies' Garment Workers because I meet so many old friends and because it brings back memories of a long association, both officially as a trade union officer going back over many years and personally, as a husband going back over 50 years.

I'm delighted to come here to pay my respects to this organization that has made such an outstanding contribution in the last three-quarters of a century to the improvement of the American way of life. I'm delighted also to pay my respects to Lou Stulberg, not just as an officer, as the head of the ILGWU, but for the major contribution that he makes to the progress of the entire American trade union movement.

His concern for the welfare of other workers outside his own union symbolizes, in a way, the entire history of the ILGWU. I remember, back many years, when the ILGWU, despite some very great problems with which it was confronted, was always ready to lend a helping hand to some other union or to some other good cause which was espoused by the trade union movement. And Lou Stulberg, in person, represents that great tradition.

You have many problems that you face today, that affect not only your own members, but the entire labor movement. The economic slump perhaps is the number one problem that we face. And of course, in connection with that, you have problems that are particular to your industry, and that pose a threat to the future welfare of your members.

I could talk to you this morning about any number of items that are of concern to us as Americans and as trade unionists—about winding up the war, reconversion, health problems, drug problems—perhaps even about women's lib, or the generation gap. But, I will forego them. As trade unionists, our number one problem has always been the economy—jobs, purchasing power, our share of the wealth produced.

We're getting a lot of rhetoric in Washington today along with some Madison Avenue gimmickery like the following: "Nineteen hundred and seventy-one is going to be a real good year and 1972 is going to be even better. We have turned the corner. Inflation is going to be slacking off any day now. When the unemployment percentage pulls about even it is very significant. We are told that we have the problem licked. When prices go up a few points, we are told that it has no significance. All we have to do is look at the stockmarket and see how well they're doing there."

But we deal with facts—and here are some of the latest facts, not fantasy, right up to the minute:

The Labor Department reports unemployment moved up in April to 6.1 percent of the labor force. There were 5.1 million jobless in April, up by 2,300,000 from January 1969 when this Administration took office. Substantial unemployment has spread to 52 major industrial areas where there were only six such areas in January 1969. And substantial unemployment—this means above 6%—has spread to 687 smaller areas. Unemployment rates in April were 10% for Negroes, 9.6% for construction workers, 7.5% for factory workers. Unemployment among young people moved up to 10.4% in April, about twice as high as the early months of 1969 when this Administration took office. The rise in wholesale prices accelerated in April to a yearly rate of 6%, according to the government's own report. This stepped-up increase in wholesale prices reflected major boosts for metal, metal products and many other things such as lumber which go into the economy.

Wholesale food prices which normally drop in April, did not move down last month. The government's index of wholesale prices shot up last month—the greatest increase since October, and these are the facts. This is an indication of the mess that the Administration has led us into.

We are really in deep trouble economically in this country. We find the cost of living at the highest point in history. We find over 6% unemployment, with 5 million Americans officially looking for work. That does not represent the complete figure, because those who get sick and tired of looking for work and don't apply at the employment office are more or less dropped from the listings. And those who are working part time are figured in the computations as if they were fully employed. Also, a great many of those presently unemployed are running out of their unemployment insurance benefits. And this means that they are out of the market as consumers and they are more and more turning to welfare.

This is a disgrace, in the richest and greatest nation on earth. How did we get into this situation? In January 1969, when the Nixon Administration came into office, we had experienced 94 months of uninterrupted economic progress, going from the very early days of the Kennedy Administration, progress measured by every economic indicator used by the experts. Over 90 months of uninterrupted progress. I think our unemployment figure then, if I am correct, was about 2.7%, the lowest it had been in many years.

Then the new Administration came to Washington, and they had new ideas. They said that they could do something about the increased cost of living, that inflation must be halted. So they came up with the so-called Nixon Administration economic "game plan", which was devised by Dr. Arthur Burns. It called for fiscal and monetary policies designed to cool off the economy; restrict credit, restrict the flow of money into the economy. This was to be done without any increase in unemployment. President Nixon, in February 1969, sent a letter to the AFL–CIO Executive Council saying this.

Every student of economics can tell you that when you tighten up the money supply and you restrict credit and therefore prevent normal business expansion that unemployment is going to rise.

Well, what happened? Oh, they cooled off the economy all right. And within two years we had 2,300,000 more people unemployed than we had when they came into office. We had the highest interest rates in 100 years, drastically affecting the housing industry and adversely affecting all the small businessmen in the country who could not borrow under the restricted rates, and it adversely affected everybody who had to buy or would like to buy a new home.

Well, what did we get when we got to this point? What did we get from the Administration? Did we get concrete proposals to create jobs? To restore confidence and to enhance the mass purchasing power of the American peoples? Did we get any of these measures? No—we got rosy predictions; every new figure that came out was considered important as an economic indicator, was interpreted by White House spokesmen as being favorable. There is legislation before Congress that would create useful jobs in the public service area. It already was passed by the House, and is still pending before the Senate. However, it already has been indicated that if it passes, it will be vetoed by the President.

This bill, providing for public works employment, makes sense. In every community in this country, in every city, and town, every county, every state, there are blue prints for public improvements that have been drafted and laid aside because of the lack of finances. This bill, this accelerated public works bill, merely says that the federal government will finance this type of project up to 80 percent.

Now this is revenue sharing by the federal government from a very practical point of view. But we are told by the Administration that it is not Mr. Nixon's idea of revenue sharing, he has another idea and he will not go along with this. Now, what do we get? Oh, we get from the Administration that business needs some tax relief, they need some incentives in the form of tax gimmicks, tax concessions. And then we have the Council of Economic Advisers, headed up by Mr. McCracken. It is now coming out with what they call "inflation alerts", supposed to pinpoint who is to blame for the high prices. So, in the "inflation alert" we get the construction industry, which has become a favorite, whipping boy, it seems. Now, the FHA official figures show that in 20 years the cost of construction itself went up 65 percent, which included both the cost of wages and the contractors profit. The cost of materials has gone up twice as much, the cost of land has gone up 300 percent, and the cost of borrowing the money has gone up 360 percent. But the "inflation alert" says absolutely nothing about those things, it merely says the cost of construction is responsible.

Then the next one comes along and it pinpoints the steel industry. It tells the steel industry that if the United Steel Workers get the same percentage of increase from big steel as they got from the can companies that this would be disastrous for the country. So here we have the Steel Workers going to the bargaining table in a few weeks with the great steel giants of America, with the U.S. government holding a club over their head and definitely putting itself on the side of the employer against the worker. At the same time the steel corporations are advancing prices.

The conclusion is inescapable. Despite all the hot air, all the bluebird predictions, all the effort to find a scapegoat for its failures, the Nixon Administration's game plan is a complete and absolute miserable failure.

The American worker and his family are going to suffer the consequences of that failure for some time to come.

I'd like to discuss with you another problem contributing to unemployment. When we have recessions, people have the idea that when business is revived that they will be re-employed. Of course, in the long run this happens. We just keep plugging along until we see the day when we can get up and go back to work. But there's another type of unemployment in this particular bag. It presents another problem that in the long run has a much more disastrous effect on the world's economy and on the general welfare of the nation's workers. This is the export of American jobs to foreign countries by American corporations.

Since 1934, the trade union movement in America, the AFL, and the CIO before merger, and the AFL–CIO since merger, has provided consistent support of government policies for the expansion of world trade in line with our trade union goal of increasing employment and improving living standards both at home and abroad. In the beginning, as world trade expanded greatly, the majority of Americans, or for that matter the majority of the people of the world, benefited. In the 1950's, changes in the world economic conditions began to appear. By the 1960's such changes stepped up rapidly. The benefits to Americans from expanded world trade decreased. The problems grew and are continuing to grow.

The world economic scene of 1971 is altogether different, from what it was in 1934 or even in 1960. Changes in world economic conditions require changes in the United States trade policies. The hard facts of life require that the government's foreign trade policy be speedily modernized in the light of what has been happening. This is not a new idea with us; we've been seeking a shift in this policy since 1955 and to date the situation has continued to grow more urgent.

The United States' position in world trade is getting worse. This country's share of expanding world exports has been declining. And at the same time, imports of all kinds of goods have been mounting.

Unfortunately, this is not a temporary situation. It is not going to go away. The causes are rooted in the many changes in the world's economic scene. For example, since World War II most countries moved to manage their economy. As part of such national economic managements, governments provide direct and indirect subsidies to exports and barriers to imports. Obviously countries have every right to protect their interest as they see them. But such subsidies for exports and barriers for import are not free trade. Moreover, such policies are one of the reasons for the flood of imports in the United States, the most open market to imports for all major industrial countries. At the same time, the expansion of U.S. exports is held down by direct and indirect barriers imposed by other governments.

Another major change since 1960 is the skyrocketing investments of American companies in foreign operations. These investments, combined with patent and license agreements with foreign companies, have transferred American technology to plants throughout the world. Many of these plants operating with American machinery and American know-how pay workers as little as fifteen cents an hour. Such operations of American companies obviously displace the U.S. produced goods in both American markets and in world markets. They export American technology, some of it developed through the expenditure of funds of American taxpayers. They are exporting American jobs. When a California knitwear company set up a plant in Mexico, 200 workers in the California plant were laid off. The same story can be repeated about plants in all parts of the country, adding up to tens of thousands of workers losing their jobs.

In March 1970, the Wall Street Journal reported that Zenith Radio, in the process of completing a large plant in Taiwan, had said it would reduce its work force here at home by about 3,000 jobs this year and that more than one-third of those laid off would be black. The chairman, Mr. Wright, said in addition to the 3,000 laid off in 1970, possibly another 4,000 will be laid off in 1971.

During last year's hearings before the House Ways and Means Committee on foreign trade, an American businessman frankly stated: "I bought the shoe patent, I shipped the last, the dye, the patent, the management and much of the leather to Europe and I am making the same shoes under the same brand name . . . selling them to the same customers . . . with the same management . . . with the same equipment for one reason and one reason alone. The labor where I am making the shoes is 50 cents an hour as compared to the $3 I was paying here in America."

Here's a perfect example where an American employer took everything American except the labor, when he bought the shoe factory. Carry this profit-mad policy to its ultimate conclusion. It means the export of millions of jobs.

Well what happens to this American economy? Who buys the things that we can produce? For decades, 95% of the articles that we produce in this country have been purchased by the American people. So carry this philosophy out to its ultimate conclusion; you ask yourself where does the purchasing power come from to buy these things, when thousands are laid off and jobs are transferred abroad? These are the issues that require immediate government action.

The AFL–CIO has its views on these issues. We are not isolationists and have not any intentions of becoming isolationists. We support the orderly expansion of world trade. We oppose the promotion of private greed at public expense for the undercutting of United States wages and standards. We want expanded work, expanded trade that expands employment at home and abroad and improves living standards and working conditions, here and abroad. We demand that the United States government take steps to protect the interest of American workers against the export of American jobs.

Specifically, we say the United States government must stop helping and subsidizing U.S. companies in setting up and operating foreign subsidiaries. Such power and tax devices must be ended. Everyday the government should supervise and curb the substantial outflows of American capital for the investments of U.S. companies in foreign operations. And again, the government should supervise and curb the export of American technology by regulating the foreign licenses and patent arrangements of American companies. And they should press, in appropriate international agencies, for the establishment of international fair labor standards in world trade.

As a stopgap, in the face of growing unresolved problems, an orderly marketing mechanism is needed now, immediately, to regulate the flow of imports into the United States of those goods and product lines, in which sharply rising imports threaten to rapidly displace significant percentages of U.S. production and employment. Such quotas to bar a rapid displacement of U.S. production and employment by flood tides of imports could slow down the disruptive impact on American society and help to provide an orderly expansion of trade.

There are many other problems we face here in America. For instance, we need to rebuild the cities of our nations, which are deteriorating at a pace that will give us cities of which we no longer can be proud, give us just a collection of gigantic slums. We need homes, decent homes, for millions upon millions of our people.

We need to eliminate poverty from the face of the richest nation on earth. And on that score, the record will indicate that we are not gaining—we are losing ground in the fight against poverty.

We need a national health plan that will make it possible for people who are ill to face that illness without the tremendous economic worry that comes from their inability to pay for being sick. And this affects all the people of this nation. Today, the available health care that we have is the best, but it can't be delivered except to the very, very wealthy and the very, very poor, who are objects of charity. The great majority in between can't afford the hospital bills. They can't afford the doctor's fees. Something must be done about this. And we are going to push up the minimum wage again, so that we no longer have the tragedy of a minimum wage which is below the government's own official poverty level, and which accounts for the fact that hundreds of thousands of people, who work full time in this country, are on the various charity and welfare rolls in the various localities. The so-called working poor—this too is a disgrace.

Then we have the pollution problems, of clean air and water which affect all of us. In all of these areas and in many more, we of the AFL–CIO are going to play our part as the people's lobbyist, protecting our own at every step of the way.

We are going to do our job by the time-tested traditional method we have developed over the years. Organizing, using our economic strength to build up and now we are in the process of sharpening our COPE operation. And we're preparing for a crucial election of 1972.

We expect, and I am sure we will get the complete cooperation of all AFL–CIO affiliates. And in facing these problems, long term and short term, of the future, under the traditional policies of the AFL–CIO in the American trade union movement, under the policies fashioned by the earlier pioneers, who built our movement, I am sure we are going to have the complete and full cooperation of this outstanding trade union, the ILGWU, in the front line as always, for a better and ever-better day.

I have a little announcement I'd like to make. Since 1960, the AFL–CIO has conducted a constant campaign to improve the affiliation of local unions for state federations and local central bodies. These organizations are the vital link to the AFL–CIO because of the important part they play in carrying out the policies and programs of the AFL–CIO in the fields of legislation, political action, and community relation at the local level. In 1965 a decision was made by the AFL–CIO to honor such national and international unions, 80% of whose local unions are affiliated with state and city central bodies, by presenting them with an award in recognition of their outstanding support of these bodies.

So, today, I have the honor of presenting this plaque to this great international union, that it is one of the unions that has reached the 80% level of affiliation, and I am delighted to present this plaque to Brother Louis Stulberg.

## RETIREMENT LAW CHANGE

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. DULSKI. Mr. Speaker, the Honorable Robert E. Hampton, Chairman of the U.S. Civil Service Commission, has submitted a formal request to you for legislation to provide a change in the

law affecting retirements from Federal service.

In order that the proposed legislation may be before our Committee on Post Office and Civil Service for consideration, I am introducing a bill today, along with the gentleman from California (Mr. WALDIE), chairman of our Subcommittee on Retirement, Insurance, and Health Benefits, and the gentleman from Indiana (Mr. HILLIS), also a member of the subcommittee.

The proposed change in the law is intended to permit immediate retirement of certain Federal employees who are separated from service involuntarily during a major reduction in force.

The change would permit the optional retirement on reduced annuity of Federal employees with at least 25 years of service, or, after becoming 50 years of age, with at least 20 years of service.

As a part of my remarks, I include the text of Chairman Hampton's letter to you which outlines the basis for the recommendation:

JUNE 8, 1971.

HON. CARL ALBERT,
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: The Commission submits for the consideration of the Congress, and recommends prompt favorable action on, the attached legislative proposal which, during a major reduction in force in a department or agency, would permit the optional retirement on reduced annuity of Federal employees with at least 25 years of service, or, after becoming 50 years of age, with at least 20 years of service.

The proposed legislation would be of inestimable benefit to employees, management, and the community in which an installation undergoing a reduction in force is located. Reductions in force have a depressing effect on employee morale and result in severe personal hardships caused by loss of income and uncertainty regarding future employment. Major reductions in force, through multiple "bumping" actions, also have a disruptive effect on agency management. To the extent that attrition, particularly retirement, reduces the need for involuntary separations and the chain-effect displacement of employees with lower retention rights by those with higher retention rights, these hardships and disruptions are mitigated.

In a smaller community where a Federal installation is a main source of employment, a major reduction in force may adversely affect the community's economy. In a larger community, the release of many employees in some occupational categories may place on an already troubled labor market people for whom there are no comparable occupations in the private sector. Permitting people to retire on annuity income and spreading voluntary retirements throughout an entire department or agency, or a subdivision of a department or agency, as the attached legislation proposes, would at least moderate these adverse effects of reductions in force on the community.

Another benefit to be derived from the proposed legislation is that it will enhance the agency's future effectiveness in carrying out its mission by helping to retain younger employees. Nothing raises the average age of an organization more quickly than a substantial reduction in force in which the youngest employees with the lowest retention standing are separated and the oldest employees are retained.

Under present law, an employee who is at least age 50 and has at least 20 years' service, or 25 years' service regardless of age, may retire on an immediate annuity if he is involuntarily separated, as when he is reached by reduction in force. Unless the employee is old enough and has sufficient service to retire optionally (age 55 with 30 years of service, age 60 with 20, or age 62 with 5), if he is not reached for reduction in force, he does not have the right to retire even if he is desirous of doing so, and thus permit an employee who wants to continue to work to be retained. The proposed legislation would simply give the long service employee who is not eligible to retire under the regular optional retirement provision of the law the opportunity to retire voluntarily during a limited period when his agency is undergoing a major reduction in force.

Under the proposed legislation, the Commission would make the determination as to when a reduction in force is major and would fix the time within which employees could exercise the option to retire. In determining when a reduction in force is a major one, the Commission intends to take into account such things as the impact it will have upon the local economy, the degree of disruption of the operations of an agency or installation, and the effect on its future capability to effectively carry out its mission. A reduction in force which affects a large number of employees in relation to the total number in the agency, or a large number of employees in the same competitive area or in a community would clearly be a major one. The time within which the option to voluntarily retire could be exercised would be set by the Commission so that employees could not defer a decision until the reduction-in-force had been nearly completed. The Commission will also make the determination as to whether eligible employees throughout the agency could exercise the option to retire, or whether the option to retire would be restricted to eligible employees of the agency who are employed in specific geographic areas or organizational units where the effects of the reduction in force are particularly severe. Like employees who are involuntarily separated, those who exercise the option to retire voluntarily in a major reduction in force will have their annuities reduced by 1/6 of 1 percent (2 percent a year) for each month they are under age 55.

As in regular optional retirement cases, the Commission would be vigilant in enforcing the requirement that a retirement under the proposed legislation is the result of the employee's voluntary action rather than of coercion by his agency. Also in situations where voluntary retirements are not confined to designated geographic areas, the Commission would require an agency to try to place an employee adversely affected by a reduction in force in one geographic area in a job vacated by retirement in another area.

Inasmuch as the number of employees eligible to retire if the proposed legislation were enacted would depend on whether the Commission authorized voluntary retirement on an agency-wide, or on a more restrictive geographic basis, it is not possible to provide more than speculative cost estimates.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to submission of this draft bill to Congress.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:
Sincerely yours,

ROBERT HAMPTON,
*Chairman.*

## DISTURBING DIMENSIONS OF IMPORTS

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. DUNCAN. Mr. Speaker, I would like to place in the RECORD a very timely statement of a gentleman who is well acquainted with the impact of imports on our economy. I know each Member of Congress has given serious thought to this subject and I commend this article for the reading of all my colleagues:

DISTURBING NEW DIMENSIONS OF IMPORTS

(By O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy)

In recent years imports have put on a new face in our economy. They represent a newly developed challenge in a sense that can only be described as spoliative to certain aspects of the American system of industrial expansion.

In order to grasp the full implications of this pronouncement it is desirable to give attention to the function of wage levels and relative productivity in the course of import competition, and their bearing on domestic employment under general and special circumstances.

Industries that are beset by growing imports will not ordinarily add workers to their employment rolls, unless the economy is very prosperous and upgrade. They will rather do all they can to increase productivity by reducing their employment in order to meet the pressing low-cost import competition. It becomes necessary to reduce costs, and this can be done in any meaningful sense only by cutting down on the workforce. Since wages cannot be reduced, both because of political realities and because doing so would reduce consumer demand, the only way to reduce labor costs is to cut the number of man-hours needed to produce a given volume of goods. When that is done by a number of industries that are faced with import competition, the result will be less employment. This may mean a lower total payroll. In any event that is the objective.

REDUCTION OF PRODUCTION COSTS

It is not generally appreciated what is involved in reducing production costs. It is often said that in some products labor is not more than 15% or 20% of the cost of production, e.g., as in automobiles, in the production of which the payroll in 1967 was only 14.8% of the value of shipments. (See Census of Manufactures for 1967.) This judgment is perniciously false because it ignores the permeation of all production by labor, from minerals, agriculture, lumbering and all other raw material preparations to multiple transportation, financing, insuring, storing, etc. These and other operations precede final assemblage of parts and components. What is called the "automobile industry," with its 1967 complement of 743,000 workers, is merely an assembly operation. The great preponderance of labor is expended before the assembly line is reached. The "industry's" labor outlay is only a third of the iceberg. Instead of 743,000 workers, somewhat over 2 million workers are needed to build our automobiles and parts.

The fact is that close to 80% of total costs incurred by all corporations in production goes into employee compensation carried all the way back. Therefore precious little maneuvering is left as a competitive weapon other than reduction of man-hours through worker-displacement. If overall costs are to be reduced as much as 10% in order to become competitive with imports the total work-force from A to Z must be reduced by something more than 10%, even if profits were reduced proportionately. If a 20% reduction in cost is necessary the work-force would have to be cut some 25%.

Reduction of costs has, of course, been the very matrix of American industrial success. Lower prices generally beget greater consumption. While this is not always true it is true with a product that enjoys an elastic demand, such as automobiles. It does

not hold for goods with an inelastic demand, such as sugar and salt and other essentials. With an elastic demand consumption rises when prices are reduced. The classic American process with a new product which was found to enjoy an elastic demand has been to move heaven and earth to bring down the price to consumers. That is the tale of the automobile, radio, TV, etc. It is also the very principle on which our anti-monopoly posture rests.

LOW-COST IMPORTS PRODUCE DIFFERENT EFFECT

As a result, today *imports* are invested willy-nilly by the unwary with the same virtues attributable to the cost-reductions that in our economy were the key to enlarged consumption and resulting expansion of employment. The analogy rests on precarious ground. For example, the demand for a particular product may be inelastic. Lower costs and lower prices, whether offered by imports or domestic producers, will then not enhance consumption sufficiently to help employment. Those who were laid off because of higher domestic productivity or imports then create net unemployment.

Now we come to the very core of the case. If the demand for a product is elastic and if the initial price to the consumer is appreciable a lowering of the price will indeed beget consumer response. The workers who were displaced by the more productive methods that resulted in the lower price will find employment after some time. The workers in the buggy and carriage factories gave way in a roundabout process to the automotive worker. In time more workers were employed in automobile production than had been displaced, although not very likely in the same place.

However, to substitute lower-cost imports for domestic cost-reducing innovations, such as more productive machinery, is not justified. There is a fertile difference.

When the domestic entrepreneur contemplates drastic cost reduction as a means of reaching a broader market he is lured by visions of bonanza-like returns. The great exemplar, of course, was Henry Ford. He collected handsomely on his vision by taking a risk on the elasticity of demand for his product. He was sure, however, that if his theory was true, he would have a vast and almost virgin market before him.

He had recognized the interdependence of mass-production and mass-consumption. He instituted the unheard-of $5-a-day wage as a token of his faith.

EXAMPLE OF THE AUTOMOBILE

To appropriate the difference between the Ford approach and the present-day efforts of manufacturers of products that promise great consumer acceptance if the cost is brought to levels low enough to tap the mass market, we must recognize the difference in the attendant circumstances. Mr. Ford could be sure that he would not soon be undersold by competitors who had access to his technology, access to his engineering developments and who were likely as experienced in marketing as he but who paid their workers only $1 or $2 per day against his $5.

Had such entrepreneurs been on the landscape and ready for him, ready to invade his market and tap layers of consumer income below those he could hope to reach unless he could surprise them with yet more highly productive methods, he might have thought twice before venturing so far afield. The others would have shared his market and might possibly have driven him out of business. Their lower wage disbursements would, however, soon have failed to boost consumer income sufficiently to produce the generally high level of consumer demand necessary to sustain general expansion of the economy. Instead of taking their cue from Henry Ford the remainder of American industry would have seen him as a failure and would not have emulated him.

The industrial miracle of the world, the American industrial system, would not have flowered, unless, indeed, some other entrepreneur equal to Ford had come on the scene.

To pursue the difference further, assume that his competitors, who were in a position to take a competitive advantage of him because of their lower wages combined with high productivity, had been foreign companies producing abroad rather than American. They would then have employed foreign rather than American workers. Mr. Ford could never have built his industrial empire. The automotive industry would hardly have become the great employer of domestic labor that it is today.

Today highly resourceful, competent and energetic entrepreneurs, supported by great capital resources, much of it American, do exist and operate abroad; and these are hungry for business.

This fact alters the whole outlook for greater employment in this country today compared with what it would be if the conditions faced by Henry Ford still prevailed.

EXAMPLE OF RADIO AND TV SETS

We have an example, even if not a perfect one, in that part of the electronic industry that is devoted to consumer electronic goods today. This potential employer of thousands upon thousands of workers has been hamstrung, so to speak, as an expansive employer of American workers. Its employing potential has been dissipated by the very import process pictured above.

It is not that the demand for household electronic goods (radio and TV receiving sets, tape recorders, etc.) is inelastic. No! it is quite elastic, and the American industry benefited from this fact for years in the radio forerunner of TV. Manufacture of receiving sets, the price of which had been brought down within the reach of the mass market, provided expanding employment. With the advent of TV and the development of mass production abroad the scene began to switch.

The high wages which were the characteristic of the American system, together with their function of assuring an adequate market for mass-produced goods, suddenly became a formidable competitive handicap. This handicap was two-fold. The lower foreign costs permitted innundation of our market by the imported product. At the same time it foreclosed to the American manufacturers the hope of enjoying the mass market that formerly was sure to greet the further progessive reduction of costs. The latter function was pre-empted by the foreign producers who, in order to accomplish this fact, needed no particular inventiveness or originality. They had but to build on what became available to them through the process of licensing from American patentholders.

Thus was destroyed the dream that in its pursuit in the past by American entrepreneurs brought us ever expanding employment opportunities. True, American capital, because of its mobility can still participate in the expansion, but the benefits do not accrue to the American workers.

In the past we looked to new industries, which came to be known as growth industries, to take up the slack of industries that lagged in employment. A recent example was the chemical industry with new products. This was a natural development when the new and growing industries were operating in this country and enjoyed exclusive patent rights and tariff protection. Today it is different. We still have growth industries but our own companies license foreign producers or establish producing plants in other countries.

The lower costs of production abroad produce the same effects that successive production-cost-reductions formerly produced in this country.

When the source of the cheaper product, however, is foreign our domestic industry is left in a relatively stagnating position. Our workers see the growth that previously resulted in burgeoning employment at home, taking place in other countries.

Thus the whole outlook for greater employment is changed. A shift to overseas bases has in recent years been going on all about us. We can no longer reason as we did before. When our capital can move overseas so readily the accustomed door to greater employment in this country to which we looked in the past is largely shut off.

EXPORTS AS AN OFFSET

It is said that employment generated by exports offsets the jobs lost to imports. Exports, however, cannot overcome the growth-killing effects of imports that rob our growth industries of their dynamic employment potentials, as described above: e.g., man-made fibers. This is something that was not on the scene until the past decade; and it has already taken a heavy toll. We have before us the bright example of computer exports.

In 1960 we exported only $48 million of electronic computers, accessories and parts. By 1969 this figure had climbed to $728 million. This heartening record is equaled, however, by our *importation* of telecommunication apparatus (radio, TV, etc.) which moved from $127 million in 1960 to $1,006 million in 1969. Here we have evidence of the rapidity of import invasion if the competitive cost-advantage of the imported product is right. The evidence is very convincing in persuading us that industries that do not yet feel much pressure from imports may find themselves beleaguered in a few years' time.

Even so well-established an industry as the automobile makers, who were among the very pioneers of the mass-production system, found that there was still a market to be found in the income brackets that lie below the lowest-cost automobiles our industry was able to manufacture.

If we scan the income distribution by family in this country in a recent year (1968) we may better appreciate what the potential market may be today. 39.7% of family income in 1968 resided in the $10,000 and over brackets. 23.4% fell into the $7,000–$9,999 bracket. Below that level only a low-price automobile, new or secondhand, could hope to make headway. Yet, 26.6% of the total income fell into the $3,000–$6,999 bracket. (Statistical Abstract of the United States, 1970, Table 486, p. 322).

Here was an invitation to any automobile manufacturers who could produce a vehicle at a price low enough to tap this market. Those more likely to have that capacity would, however, be foreign producers who enjoyed the competitive benefit of low wage rates and high productivity. The result was the capture in a few years of 10%–15% of the total American automobile market by imports.

American producers were prevented by labor costs and the productivity level from supplying this potential market. They are making a second attempt, but imports continue to grow. Unless rising productivity can reduce sharply the man-hours needed to produce cheaper automobiles, the imported product will continue to supply the greater part of the low-priced car market. As previously noted, a substantial productivity increase translates into heavy worker-displacement. Already some components are being imported in order to assure a low price. This practice, however, does not help domestic employment.

THE AMERICAN DILEMMA

This is essentially the dilemma in which American industry finds itself today *vis-a-vis* imports. The pressure to remain or to become competitive with imports, as if success in this endeavor would restore the magic of old, works at cross-purpose with the national goal of full employment. The sharper the

import competition the more hopeless the effort to increase employment through cost reduction. Movement to overseas bases will be stimulated.

IMPORT CEILINGS OR QUOTAS AS A REMEDY

Any proposed remedy must therefore address itself to this dilemma. To retain a reasonable share of our market for domestically-produced goods calls for import controls that are designed to produce precisely that result. The tariff has been reduced to ineffective levels in most instances. Import ceilings or quotas represent the most effective as well as the most reasonable instrument available for prevention of the pre-emption and despoliation of our markets by imports running wild. Ceiling or quota limitations can be devised to provide for a reasonable level of imports and sharing of our market in proportion to its expansion from year to year. They would at the same time control the shipment to this country of products manufactured abroad from plants established by American capital.

Our industries would once more be assured of a growing market and higher employment if they were guarded against disruption by imports.

There can be little question that our patent system contributed greatly to the vision of successive cost reductions as the key to the mass production and the mass market which together brought greater employment. When imports are poised ready to jump ahead of our producers because of the cost advantage enjoyed by the former, our producers face a disheartening if not impossible prospect; and our economy will lose the propulsive lure that formerly induced it to work production miracles. Labor will be the evicted bystander.

## HEALTH REFORM

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. FRASER. Mr. Speaker, for many Americans, finding adequate health care is not a solution. Costs for medical treatment have risen astronomically. In Minneapolis, for example, an average day's hospital cost reached $93.78 in 1970. This is double the 1962 figure.

Many who wrote to have their remarks included in the record of the Minneapolis Health Hearings focused on the problem of cost. L. E. Winter reported a $2500 bill for a heart attack. Dr. John Najerian, the head of surgery at the University of Minnesota testified that a kidney transplant could cost $15,000. Accordingly, Dr. Najerian emphasized the very real need for catastrophic health insurance.

The aged in our society are particularly hard hit by even the most minor medical problem. Compounding this is a failure on the part of government and industry to provide comprehensive insurance at a cost all can afford.

Mr. and Mrs. Allan Meinecke proposed expansion of social security legislation. Mr. Fred Glasoe supports this by pointing out the present inability of retired teachers in the Twin Cities to qualify for medicare coverage. Burdening the patient receiving medicare by forcing him to absorb the costs of disputes is pointed out by Mr. Joseph Cody. A plea is made by Agnes Johnson for inclusion of our senior citizens in a comprehensive health reform bill. Mr. John Helmberger points up, in his slightly amended remarks, the complex financial problems involved when a medicare patient receives treatment.

Mr. Scott Hancock, president of the Minneapolis Senior Citizens Council, presents thoughtful ways for the government to act on and improve health services for the aged. Mr. Karl Dansky, executive director of Senior Citizens Centers of Greater Minneapolis Inc. delimits the need for expansion of medicare.

The executive director, Mrs. Daphne Krause, of Minneapolis Age and Opportunity Center Inc. appeared at the Minneapolis hearings and effectively detailed the activities of her organization to provide total services to help our senior citizens continue their activities through their own senior citizens organization. This program is of immense community value. As Mrs. Krause pointed out, of all the problems facing the aged, poverty is by far the most severe.

MINNEAPOLIS, MINN.,
*February 22, 1971.*

Mr. DONALD M. FRASER,
*Fifth District Congressman,*
*Minneapolis, Minn.:*

I agree that something has to be done about our present day medical expenses. I am at present recovering from a heart attack, and my hospital and doctor bill amount to a bit over $2500.00 up to now. My Hospitalization insurance paid for all but about $300.00 but any additional expenses they will pay only 80%.

If I should be forced to retire for medical reasons I would not be able to afford a medical Insurance with adequate coverage, and I am not old enough for medicare, and neither is my wife. There are thousands of Americans being wiped out financially due to the high cost of Medical Care.

The Health Security act you mention is certainly needed, but I don't feel that we have enough Congressmen & Senators in Washington concerned enough about our problems of this kind to do anything that would result in a satisfactory bill to remedy the situation. We do not get a break on our present Federal Income Tax when it comes to deductions for Medical Expenses, so if a health bill is passed probably, there will be so many restrictions, and red tape involved that the bill will be worthless. It seems that our representatives in Washington would rather waste our Tax money on such Programs as the SST, and wastefulness in our defense and military expenditures.

We are very much in need of a Health program that will assure first class medical care for everyone so people will not use up all of their savings and loose their homes to pay their medical bills.

L. E. WINTER.

BLOOMINGTON, MINN.,
*February 24, 1971.*

Congressman DONALD M. FRASER,
*Federal Courts Building, Minneapolis, Minn.*

DEAR DON: Relative to your hearings on health care reforms on February 27, we would like to have the following read into the hearing record. We would prefer to do this personally, but are both too ill to make the trip down.

Several amendments to our social security laws are needed badly. Anyone sixty or older who is on total disability should be eligible for Medicare and Medicaid. When disabled by heart, cancer, or emphysema, etc., the need for medical care is immediate and often continuous. A "benefit" beginning at age 65 is a mockery to the individual who dies at age 62 or 63. What the Bible calls, "cold comfort".

The incredible increase in hospital costs is a national scandal. A relatively brief hospital stay wipes out savings put aside during an entire life-time by a family. And, in the U.S.A., the standards for hospital care are a disgrace. (The truth is, there are none.)

An individual 65 or older who sells his home does not have to pay a capital gains tax on any increase in value over purchase-price. This law should be amended to include those persons totally disabled at age 60. Thousands who are disabled are forced to sell their homes for economic or health reasons or both. It is hard enough to lose one's occupation and income, one's health, and one's home without having to pay extra taxes to I.R.S.

We join in sending you our very best wishes.

Sincerely,

EDITH Q. MEINECKE.
ALLAN H. MEINECKE.

ST. PAUL, MINN.

CONGRESSMAN FRAZER: I first wish to take this opportunity to thank you for giving me your valuable time so that I might come before you to present some ideas our organization has with regards to health programs for all Americans.

Each year the cost of being sick and unable to work becomes more expensive and demoralizing. Although I am sure that many of my fellow educators have personal thoughts and ideas on the matter that you have brought before us today, I would like to acquaint you with two special problems that we feel need attention in any new national health program. These are of special importance to classroom teachers.

When a teacher retires in Minnesota, he is covered by the present Medicare Program—if he is *NOT* a teacher in one of the three cities of the first class. Because the teacher of Minneapolis, St. Paul and Duluth is not under the Social Security program, he has been left out of the Medicare program that the other state teachers enjoy. Across the nation, this same problem can be found in thousands of school districts which are not under Social Security. In investigating the program of Medicare I find that it appears the only reason it was tied to the Social Security program was the ready-made available maintenance of the Social Security offices and the availability of the already existing organization.

Although my own school district has developed a limited program for its retired teaching staff, many areas in the United States have not. Even with our existing school district plan there are the same limits on surgery and bed care that are too often found in many private insurance plans. As one gets older, the time of poor health usually increases, but the time and money limits on existing policies do not. I therefore hope that any new program that the Congress adopts will cover all workers and not just those under Social Security as it does now.

We also feel that it is very unfair that only the sick that must be hospitalized seem to be charged for the maintenance of nursing education programs that are developed and maintained by the private hospitals. We need to increase our training of medical staff throughout America, but with the increasing costs of education many hospitals are dropping their nursing programs. If this trend continues, many of our students who wish to serve the sick will not find a place to be educated. If we depend on college programs only we will be forced to drop many students who would be well able to serve but who are not always of the high academic type that colleges insist on today. Yet these are good and faithful young people who often do outstanding service for others. I feel that you and your colleagues should include in a national health program, a new type of nursing education program that will be financed by

all Americans and not be added only to the hospital bills of the sick and needy.

Again I thank you for your time and your attention. Our organization of teachers feels it an honor to help build strong and good programs for all Americans. We hope that you will continue to call upon us for any service that we may be able to render as members of a great and dynamic, growing America.

FRED GLASOE,
*City of St. Paul Education Assn. & N.E.A.*

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MINNEAPOLIS, MINN.
*February 16, 1971.*

Hon. DONALD M. FRASER,
*Minneapolis, Minn.:*

Thank you for your letter and invitation to attend the hearing on Feb. 27th.

I would like to be able to make a worthwhile contribution but there is a question in my mind as to whether the personal experiences of one or more individuals will be of real help.

Hospitals and Doctors should describe in detail the services rendered to the end that misunderstanding on the part of the patient is avoided.

When a Doctor sends a patient a bill for services rendered it should be in terms that is understood by parties concerned.

The Medicare patient under the impression that 80% of his bill for Dr's services is covered is in for a mild surprise when the settlement is made on the charges ALLOWED which could be half the amount of the charge made by the Dr.

Inquiry following brings the world that "that is the way we do it" from the Dr's staff, and the Medicare office explain that they have to follow Social Security regulations and instructions.

Many Drs are employing a service company to do their billing. These concerns would be included when new legislation is enacted. They are taking a slice of the action, maybe they can create better rapport between Doctors and Medicare.

If Medicare sees fit to reduce the amount the Dr charges let them fight it out, rather than taking it out of the old broken down Medicare patient.

The August 1970 issue of the Legion Magazine carried a very interesting feature article on the Kaiser plan in California.

A new book "Quality of Mercy" written by Selig ——— was discussed and shown on the Today show this morning (Feb. 16th).

It might be that the material in these accounts could be helpful to you in the final draft of your bill.

Thank you for your efforts in this and other matters in the public interest.

JOSEPH E. CODY.

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MINNEAPOLIS, MINN.,
*February 27, 1971.*

Hon. DONALD FRASER,
*Congressman, Fifth District.*

DEAR MR. FRASER: I live in a low cost hirise building. After questioning a number of my neighbors, I find a unanimous concern and real worry about the health care now available to us.

When medicare and medicaid became effective a few years ago we felt that we would be able to continue on as we had up to that time. With some supplemental insurance we could meet doctor and hospital costs. But now, due to inflation and rising costs we can no longer do so.

What is going to happen to us?

It is gratifying that health care for all groups of society is now being considered. We ask that in future plans we not be abandoned, or left to die as we reach old age.

We want to live as useful members of the society we have helped to build.

Thank you.

AGNES M. JOHNSON.

MINNEAPOLIS, MINN.,
*February 27, 1971.*

Mr. DONALD FRASER,
*Congressman.*

DEAR CONGRESSMAN FRASER: Medicare for covered aged is generally understood to operate as follows: For each hospitalization period, the patient is supposed to pay the first $52. For each year, the patient pays the first $50 of doctor bills and 20% of charges in excess of $50. For a patient with one hospitalization period and doctor bills in excess of $50 for a given year, the patient is expected to pay $102 plus 20% of doctor bills in excess of $50.

But Medicare does not really work like this. I am not a medicare beneficiary but I manage financial matters for my mother, a 76 year old widow, who is a medicare beneficiary.

My mother, Mary Helmberger, was hospitalized from March 22 to April 14, 1970, at a hospital in Edina, Minn. The hospital bill amounted to $941.30. The $52 deductible was paid before she left the hospital. Since the hospital made "non-allowable" charges (non-allowable according to medicare), my mother was billed for $32.36 which has been paid. So she paid $84.36 to the hospital—not $50.00. Now the hospital is nagging her for an additional $23.04 which has not been paid but, if it were, the hospital charge born by my mother would be $107.40—not the $52., the general public has been led to expect.

What are non-allowable charges? If they are for services which are not necessary, the services should not be rendered unless requested. They were not requested. If they are necessary services, the charges for them should be allowed by medicare, unless they are unreasonable charges. In the latter case, the hospital should not be permitted to make such a charge.

Various doctors were called in (not by my mother) to participate in giving her a physical examination. The doctor's charges were $241.50. All of these made charges which were considered allowable by medicare—except one. His charges were $90.00 and he refused to "accept assignment". All the doctor bills have been paid except the $15. "overcharge". The cost to my mother was $50 plus 20% of $176.50 (the allowable charges amounted to $226.50). $50 plus 35.50=$85.30, the doctor bill paid by my mother.

My mother's monthly income is $190.14 including social security benefits and her board and room cost $160. per month. All the rest of her expenses (including the $84.36 paid to the hospital and the $85.30 paid to the doctors for that physical examination alone) have to be met out of the $30.14 per month. Her other doctor bills and drugs which she takes regularly take up literally all of her income.

Unless something is done to prevent hospitals and doctors from overcharging, many thousands of old people who could take care of their own finances will be forced on to welfare—many already have. The cost of medicare and the cost of welfare will continue to skyrocket as long as the sellers of medical services are free to render what services they please and charge what they please for those services. And people in droves will give up trying to take care of themselves and go on welfare.

My father strived hard to leave my mother with enough to take care of her needs. He did but not enough to allow for exploitation.

At the very least, doctors who treat medicare patients should be required to tell the patient in advance whether they are willing to accept assignment—i.e. whether their charges are considered in line by medicare. And hospitals should be required to tell the patient whether a given procedure is "allowable" under medicare.

Truly yours,

JOHN D. HELMBERGER.

MINNEAPOLIS, MINN.

*Ladies and gentlemen:*

For a long time the Senior Citizen Council members have been hoping for ways and means whereby elderly people could discover their ailments by way of a *clinic*, and if necessary, be advised to have their ailment corrected before it is advanced to the point of a serious disorder.

We definitely do need a Health Security Act or at least, some drastic changes. There are a few things that bother me, not especially for myself, but for many of whom I come in contact.

One is the "deductible" known as part "B" of Medicare; this should be either abolished or assumed by some other agency or act of law, because so many of those needing medical attention, let themselves drift into a situation where it costs much more than it would if they were allowed to have an examination without forking over that abominable "deduction".

In my opinion and the opinion of this Council, the Federal Government could save much money through "Medicare" payments, if senior people could have a periodical "check" which may prevent them from going to hospital.

Also, it is the opinion of this Council and myself, that the Federal Government should enact a law whereby, any Doctor or Surgeon should be "Duty Bound" before he is allowed a license to practice, to render his services for a set scale, and not be allowed to use his judgment as to how much he can get.

Also, there is the hope that a system of Federal Government pharmacies be set up in all large cities, whereby prescription drugs can be purchased by their true name, and at reasonable prices over the cost of manufacture.

If the proposed Health Security Act is adopted for Employees and Employers and all Government personnel, why not the retired seniors on fixed incomes?

Then there is a thought which comes to many: Who owns the hospitals? Is it not true that many of the hospitals are controlled by stockholders, who happen to be of the Medical Profession? If so, then should not this condition be investigated by the government? A Super-market here in Minneapolis, was hailed into court for selling a carton of milk for 5¢ less than some other stores; and still Doctors, and I say some Doctors, and hospitals are allowed to continually boost the cost of health care.

I think it is a "crime" against the subjects of this nation, and many people are sickened at heart when they see what they have to pay over what "Medicare" allows and what the Doctor demands. Just what is "Reasonable Charge?" How long must the people be "Hi-jacked" by the greed of some of the medical profession?

A. SCOTT HANCOCK,
*President of Minneapolis Senior Citizen Council.*

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STATEMENT FOR HEARING CONDUCTED BY CONGRESSMAN DONALD FRASER ON THE PROPOSED NATIONAL HEALTH SECURITY ACT

I am Karl Dansky, Executive Director of the Senior Citizen Centers of Greater Minneapolis, Inc., a voluntary agency financed largely by the United Fund. One of the purposes of our agency is to act as a positive force in educating the public on the needs of the elderly.

The enactment of Medicare was a great social advance, but because of the increasingly burdensome out-of-pocket payments required of beneficiaries, Medicare pays less than half of senior citizens' health costs. We believe that under the National Health Security Act, as it is proposed now, it would provide the elderly with far better health

care than is likely under Medicare. The range of personal health care services including the prevention and early detection of disease, as well as the care and treatment of illnesses, are important additions to current Medicare coverage. More important in terms of helping older people maintain healthy standards of independent living are the inclusion under the National Health Security Act of full coverage for physician services, inpatient as well as out-patient, and home health services. A major contribution towards the prolongation of independent living will result from the inclusion of coverage for optometry services, and podiatry services, as well as prosthetic devices and appliances. Even greater service in this direction would be rendered if prescription glasses, prescription drugs and hearing aids were also included.

The broader coverage of all people under the National Health Security Act will, in my opinion, be welcomed by all senior citizens. Even as they were pioneering for Medicare, many seniors felt that similar measures should be available to all citizens in order to insure good health care to maintain a strong society. If this measure is passed they need no longer bear the unwarranted feelings of guilt that those in the labor force who are contributing to Social Security were bearing an unbalanced portion of the cost of Medicare.

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M.A.O.—MINNEAPOLIS AGE AND OPPORTUNITY CENTER, INC.,
*Minneapolis, Minn.*

Excerpt from the M.A.O. Concept:

"We have also committed ourselves to supplying those needed supportive services which will enable our people to stay out of the institutions and in their "home" wherever possible. In fact, to sum it up, we have committed ourselves to serving the Senior Citizens, in a program for Senior Citizens, developed by Senior Citizens, and run by *Senior Citizens.*"

M.A.O.'s comprehensive services are Model City-Wide (see attached map) with the exception of Meals-in-the-Home and Home Management, which unfortunately at this time must be limited to roughly a 12-block area from the M.A.O. Center, except in emergency cases; even within these areas the Meals-in-the-Home are limited at this point, but hopefully will be increasing every month in the future.

There are a couple of services through M.A.O., which do not have Model City funds in them, which are therefore city-wide, and are so indicated below.

Meals-in-the-Home.
Employment.
Information and Referral.
Voluntary Services (Including KRI-M.A.O. Training Program).
Specialized Home Service:
a. Home Management.
b. Home Handyman.
Telephone Services:
a. 24-hour Emergency (Including Holidays).
b. Reassurance Phone Service.
c. Dial-a-Friend.
Transportation (To bring Senior Citizens to the Service and to bring services to the Senior Citizens).
Adult Education.
Consultive Services (Including Legal and Financial Advice).
Counselor Service (Outreach).
Notary Public (Services are available at the Center free to Senior Citizens. In emergency cases only—this can be offered in the home).
Advocacy.
Social Activities:
a. Operated by Senior Citizens.
b. For Shut-ins.
c. To bring isolated Seniors back into the Community.

These services are offered city-wide:

Meals - in - the - Community (Referral through M.A.O. only).
Abbott Hospital-M.A.O. Senior Citizen Clinic (Referral only through M.A.O.).
St. Mary's Friends Crisis Funds.

M.A.O. will also coordinate with all agencies or voluntary groups serving the needs of Senior Citizens.

For further information regarding any of these services call: 332–6311.

DAPHNE H. KRAUSE,
*Executive Director, M.A.O., Inc.*

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## THE NATIONAL NEED FOR AN INTEGRATED TRADE POLICY: THE TEXTILE EXAMPLE

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## HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. NICHOLS. Mr. Speaker, the necessity for passage of a trade bill during the 92d Congress is becoming even more pressing. The question of textile import quotas is a matter that must be solved and must be solved quickly. I hope that the Congress can take positive action before we sacrifice more jobs in the textile industry.

Several weeks ago, I told the Congress about the closing of Beaunit Mills in the town of Childersburg, Ala.; this action, due to be completed in August, will leave over 900 persons unemployed. There were reasons other than imports involved in the Beaunit case but the fact that no other industry has agreed to take over the plant is indicative of the fact that the textile industry is not expanding but is diminishing. In a shrinking market, the marginal mills go first. In an expanding market, if a plant is not doing well it either goes into another category or someone will pick it up who knows how to make it productive. Thus far, no one has agreed to take over Beaunit.

Mr. Speaker, the question of import quotas was recently discussed by R. Buford Brandis, international trade director and chief economist of the American Textile Manufacturers Institute. Several weeks ago, Mr. Brandis spoke to the Conference on United States Trade Policies and Agricultural Exports at Iowa State University. I include Mr. Brandis' comments for the study of my colleagues in the RECORD at this point:

THE NATIONAL NEED FOR AN INTEGRATED TRADE POLICY: THE TEXTILE EXAMPLE

(By R. Buford Brandis)

Last Sunday, May 30, the *Washington Post* carried a front-page story on lobbying activities relative to current consideration by the House Agriculture Committee of legislation extending the Sugar Act. At stake, as on the occasions of previous renewals since 1934, is allocation of specific quota portions of the U.S. sugar market to American cane growers, to American beet producers, and to many of the world's less-developed countries, respectively.

Ten days earlier the Honorable Clarence Palmby, Assistant Secretary of Agriculture for International Affairs, testified before the Subcommittee on International Trade of the Senate Finance Committee. He said in part:

"It is thus a matter of very great concern to us that the developed countries of Europe, where we would expect to find our major markets, as well as Japan, are following policies which restrict trade growth. . . .

"This is not to say that agricultural trade problems with the UK would disappear were the UK not to join the EC. On the contrary, since 1964 the UK on its own has been moving away from its traditional policies. For a variety of reasons it has been shifting toward an EC type of policy and away from the deficiency payment system. With the recent coming to power of the Conservative Government this shift has been accelerated. Thus, we would in any event be facing unfavorable and restrictive changes in UK agricultural policy.

"Agricultural policy problems are not limited to Europe. Japan's agricultural policy has led to a most troublesome rice surplus. High support prices have contributed to increased production far outrunning uses. Japan's rice support price was this year raised to over $390 per ton. By way of contrast, the U.S. rice support price is $107 per ton. Japan's stocks of rice are greater than estimated total world trade in rice in 1970. . . .

"Imports of a number of horticultural products from Mexico—fresh and frozen strawberries and fresh tomatoes, cucumbers and peppers—have increased sharply in recent years. In 1970, imports were at a record high level for each of these items. Mexico possesses advantages in producing these crops because of lower labor costs and generally more favorable climatic conditions. United States capital and know-how have aided in the expansion of Mexican industry and promise to aid further growth. It is likely that imports of these products from Mexico will continue to increase and the disruptions in the U.S. market from the standpoint of both production and price will become increasingly evident.

"U.S. officials have engaged in joint meetings with Mexican officials in an effort to regulate the sharply increasing trends of horticultural imports. We believe the desirable course of action here is to continue to work with Mexican officials to avoid undue market disruption.

"Imports of certain chilled or frozen meats, primarily beef and mutton, have been subject to voluntary restraints negotiated with principal exporting countries since the last quarter of 1968. Products included within the restraints are those specified in the Meat Import Law enacted in 1964. . . .

"The past year has been a sharp readjustment in world butter stocks that has removed the burdensome surpluses that demoralized the butter market over the past several years. This was the result of lower production in Western Europe and in New Zealand, which suffered a severe drought. Nevertheless it has been necessary for the U.S. to take additional steps under the authority of Section 22 of the Agricultural Adjustment Act, as amended, to hold imports of certain dairy products to reasonable levels. The President proclaimed quotas effective January 1, 1971, on four dairy products which were circumventing our import controls and interfering with price support programs: ice cream, animal feeds containing milk (calf replacers), low fat chocolate crumb, and low fat manufacturing cheese. All of these products were relatively new items in international trade and were used mainly by processors. . . .

"Our agricultural import system is relatively liberal."

TEXTILE IMPORTS

The American textile industry, like American agriculture, has major import problems. Involved are the developing countries, Common Market, the United Kingdom, Japan, Mexico—a very similar list. May I tell you our story? Over the past decade—in boom and recession, in war and peace—the textile import trend has been relentlessly upward. Future viability of the American fiber-textile-apparel complex is now threatened

unless reasonable controls over imports are put in place promptly.

U.S. imports from all countries of textile products—including yarn, fabric, apparel—manufactured of cotton, wool, and synthetic fibers (nylon, polyester, rayon, etc.), amounted to the statistical equivalent of one billion square yards in 1959. Such imports more than doubled by 1965. Five years later, in 1970, they had redoubled to four and one half billion yards. First quarter imports in 1971 were up 38% over 1970. The present level of imports represents a third of a million jobs.

A decade ago, when the GATT cotton textile import controls were first imposed, imports supplied about five percent of American consumption of such products. Today some 15 percent of our total textile market is being supplied from abroad. In certain product lines such as worsted fabric for men's suits the import ratio is above 50 percent and rising.

NATIONAL GOALS

Among the national goals of present domestic policy are price stability, full employment, a rising standard of living for all citizens, and the economic development of our country's underdeveloped areas. In the achievement of each the domestic textile-apparel industry plays a key role.

Yarn and cloth prices at the mill level are actually lower now than they were in the late 1950's, while wholesale apparel prices have only kept pace with the general inflation. Yet textile wages have jumped a dollar an hour over the decade, while apparel wages have moved similarly.

The best way to hold the textile price line for American consumers is to encourage healthy competition among our 7,000 textile plants and 27,000 apparel plants. Once the control over the major part of a product line falls into the hands of foreign interests, provisions of U.S. law for the protection of American consumers—antitrust regulations prohibiting price-fixing conspiracies and the like—go out the window.

A good example of what happens under these circumstances is the silk textile price story. Imports having killed off the American silk textile industry, Japan and Italy now dominate the world's silk textile production. Since 1957–59 the wholesale price index of silk textiles in the United States—virtually all imported—has more than doubled. During the same period, with competitive U.S. market influences dominant, the all-fiber textile and apparel index is up less than 10%.

We have not yet reached the point where foreign pricing influence dominates most U.S. textile and apparel markets, but unless prompt control action is taken that point could soon be reached with respect to many different textile products, and the U.S. consumer will be the loser.

Taken together as a single industrial complex, textile and apparel manufacturing form a key foundation element in America's economic structure. Not only does this industry make products essential to life and vital to national security, but it fills a primary role in providing economic activity for hundreds of communities large and small, urban and rural, throughout the land.

The industry directly employs 2.5 million men and women, in a broad range of occupations. Another million workers are employed in producing the raw cotton and wool, cornstarch, machinery, chemicals, and myriad other materials used by the industry. Of the 20 million manufacturing employees in this country, the industry directly employs one in every eight. It pays them $12 billion yearly.

The industry's impact on the economy of the United States goes even further. It generates major revenues for government—federal, state, and local. It buys four billion dollars worth of fiber each year, including two-thirds of the output of this country's 300,000 cotton farms, all of the domestically produced wool, and almost all of the synthetic fiber produced by the U.S. chemical industry. In addition, it spends $600 million on dye-stuffs and other chemicals and several hundred millions annually on new plant and equipment.

Black employment in the textile industry grew from 3.3% in 1960 to 14.3% in 1970; the present level for all manufacturing is 10.1%. Black employment in the textile industry has advanced four times faster than the national average for all manufacturing since 1960—and in some South Carolina areas black workers now account for 40% of total "new hires".

In New York City the industry employs one-third of all manufacturing workers. Its payroll, $1.5 billion annually, is second only to that of the Welfare Department.

Another significant aspect of textile-apparel employment is the number of women involved. Women constitute about 45% of the textile labor force and 80% of the apparel workers. This compares with all-manufacturing average of 27%.

Family responsibilities sharply restrict their mobility—a factor blithely ignored by the largely male "adjustment assistance" advocates. In terms, then, of opportunities for people regardless of race, sex, or education the textile-apparel industry is remarkably diversified in what it can offer by way of employment opportunity—that is, provided it has a reasonable chance to grow and progress along with the nation's economy as a whole.

These social contributions of the textile industry are important and significant to our national welfare. They are vital to our national commitment to full employment.

Appalachia is the largest in population of the underdeleveloped regions of the United States. In 1965 Congress passed the Appalachian Regional Development Act "to promote its economic development."

The textile-apparel industry is by far the largest employer of manufacturing labor in Appalachia. As noted earlier, in the United States as a whole the industry provides one of every eight manufacturing jobs. In Appalachia the industry's relative importance doubles; in that region extending from southern New York State to northern Mississippi it provides one job in every four.

In an area encompassing Appalachia and contiguous territory within commuting distance—50 miles—there are more than one million textile apparel jobs. The Federal Government has a positive domestic policy involving the creation of new manufacturing jobs in Appalachia, yet its foreign trade policy seriously threatens a million textile-apparel jobs already there. The question essentially is this: Will job opportunities be available in this country to those people and those areas where the jobs are most needed? Or will they be transferred to low-wage nations of the Far East, some of which, like Japan, are already highly developed industrially?

AMERICAN PRODUCTIVITY

This American industry is not suffering import competition as a result of low productivity. Quite the contrary: the American textile industry is the most efficient in the world.

The British Textile Council, in 1969, published an exhaustive study of relative productivity in major textile industries around the world. In spinning, American productivity is more than twice that of the Japanese and more than three times that of the British.

When productivity in spinning is combined with productivity in weaving, once again the American industry shows up as by far the most efficient, with Britain second at 37% of U.S. productivity and Japan third at 32%. We can take pride in American textile performance.

However, items made abroad at wages far below the legal U.S. minimum give foreign producers cost advantages that cannot be overcome even by superior American efficiency. American wages are five times higher than those in Japan and eight times greater than in Hong Kong; while Korea, Taiwan and other Asian countries show even wider disparities.

Contrary to claims often heard, the textile wage gap between the United States and its major foreign competitors is not narrowing, but widening. The gap with Japan in 1960, for example, was $1.44 per hour. In 1970 it was $1.98—a 37% increase in the gap over the 10-year period. True, Japan's textile wages rose by large percentages, but the actual dollar amount fell far short of the increase in wages that has taken place in the United States. And Japan pays the highest wage of the Asian nations.

Put another way, the American textile import problem grows out of the fact that, as the result of our national trade policy, the American market has been opened to overseas production while production cost factors, as the result of our national socio-economic policy, are highly protected at the border. There is little movement of labor across national boundaries, for example, due to immigration quotas.

Furthermore, currency exchange rates are fixed, rather than flexible, under the present International Monetary Fund system. Hence there is no neutral world monetary system freely reflecting cost differentials among nations.

GATT AGREEMENT

Since 1961, cotton textile trade has been controlled by a quota system internationally agreed upon and presently overseen by the Cotton Textiles Committee of the General Agreement on Tariffs and Trade in Geneva. This control agreement, the Long-Term Arrangement for Cotton Textile Trade (LTA), has been renewed on several occasions, most recently in September 1970. Its present span extends through September 30, 1973. The United States and 30 other countries are signatories.

Cotton was the dominant fiber 10 years ago. This is no longer the case. The United States Government and industry have proposed, therefore, similar quotas on wool and man-made fiber (synthetic) textiles, hardly the earth-shattering change of policy pictured by some.

Our government, under three presidents, representing both political parties—Kennedy, Johnson, and Nixon—has administered its cotton textile quota controls so generously, and with such a sense of international responsibility, both to Japan and to developing countries, that our cotton textile imports in 1970 were double the 1961 total. This generous example has not been followed by the Europeans or the Japanese, a statistical fact which opponents of textile quotas neglect to mention while admonishing the United States to set other countries a good example to follow. The Europeans have used fairly visible LTA and other quota regulations in protecting their textile industries, while the Japanese have placed greater reliance on a typically subtle Oriental form of mercantilism best translated as "administrative guidance." Yet, the results have been similar.

According to United Nations data for 1969, Japan took 3.5% of the total textile and apparel exports of the less-developed countries to the developed countries, the Common Market 15.9%, and the United States 47.1%. These are interesting ratios since the Common Market populations together are about as numerous as that of the United

States; the Japanese half as numerous; and all three areas affluent.

THE TRADE BILL

After a year of fruitless attempts to resolve the textile import crisis through international negotiations, the Nixon Administration in June 1970 endorsed textile import quota legislation in testimony presented to the House Ways and Means Committee. The President reaffirmed that position during his televised news conference of December 10, 1970, while the legislation was awaiting Senate action. On March 11, 1971, in rejecting the Japanese industry's unilatral program of export control, he called again for textile quota legislation.

That legislation, the textile quota provisions of H.R. 20, would specifically provide for textile import restraints agreed upon in international negotiations to supersede quota levels provided by law. Furthermore, the President is authorized to exempt any imported textile from the prescribed limitation whenever he concludes such action would be in the national interest or would be necessary to maintain reasonable prices for American consumers. Clearly, it is needed to assure the early, successful conclusion of meaningful, long-range, comprehensive agreements with the Japanese and others.

In rejecting the Japanese industry's export control announcement as a solution to our import problem, the President said:

"On its face, this unilateral program falls short of the terms essential to the U.S. in the following significant respects:

"Only one overall ceiling for all cotton, wool and manmade fiber fabric and apparel textiles is provided, with only a general undertaking by the Japanese industry 'to prevent undue distortions of the present pattern of trade.' This allows concentration on specific categories, which could result in these categories growing many times faster than the overall limits.

"The overall ceiling would be based on imports from Japan in the year ending March 31, 1971, plus a growth factor. During the two years that we have been negotiating with the Government of Japan, imports of man-made fiber textile products have greatly increased, and in January 1971 they entered this country at a recordbreaking level. Moreover, the program magnifies the potential growth of the sensitive categories by including in the base exports of cotton products which are already limited by agreement and which have been declining."

Furthermore, the import growth rate projected in the Japanese industry's proposal is nearly double the actual growth rate of the American textile market since World War II on an annual basis.

Control over product shifts and the coverage and duration of the plan are completely in the hands of the Japanese textile industry. It would encourage a form of economic search and destroy strategy which could wreck entire segments of the domestic industry. It would be unconscionable to abandon the responsibility for 2.5 million American textile and apparel workers to the whims of the Japanese textile industry.

A similar Japanese voluntary agreement covering steel imports has not worked as intended because the Japanese have violated the spirit of the agreement by concentrating in certain high-priced specialty steel markets. To accept this proposal would mean falling into the same trap.

Since January 1, 1962, Japan's cotton textile exports to the United States have been regulated through bilateral agreements negotiated by the two governments under the GATT international cotton textile trade arrangements. During the first five years of this period our cotton textile imports from Japan rose from 243 million square yards in 1961 to 412 million in 1966, an increase of 70 percent. This does not seem excessively restrictive.

In subsequent years, as man-made fibers increasingly supplanted cotton both here and in Japan, cotton textile imports declined. They were 331 million square yards in 1970. The 1971 quota (annual rate) is 432 million. The uncontrolled synthetic textile imports from Japan have more than doubled in just five years: 301 million square yards in 1965; 775 million in 1970. And in the first quarter of 1971 they jumped 77%.

Japan accounted for one-third of our textile trade deficit in 1970—or 556 million dollars of our 1.6 billion dollar deficit. The time for responsible and effective *governmental* action has clearly come.

*Retaliation*

Opponents of textile quota legislation have held high the spectre of foreign retaliation against our agricultural and other exports. As painted by the more eloquent of these lobbyists, "retaliation" becomes a vague horror resembling a brain operation performed under guttering candles on a stormy midnight by Doctors Frankenstein and Fu Manchu.

Actually, our textile import policies under the legislation proposed would remain so generous relative to those of other GATT members that "retaliation" and "compensation" can surely be avoided by vigorous presentation of the American case to our trading partners.

In view of the subsidies being paid on textile exports to the United States by many of our trading partners, the nontariff trade barriers raised against United States textile exports around the world, and the bilateral textile agreements between foreign nations which force additional exports onto our market, the real question is this: Why does not the U.S. Government invoke our right of retaliation?

In any event, there is a distinction in practice between violating the rules of the GATT and invoking its provisions with respect to retaliation and compensation. Retaliation and compensation enter when the value of the concessions granted a party has been nullified or impaired by the illegal action taken.

This is to say, the GATT has not authorized retaliation nor called for compensation unless the action in question has had an adverse effect on the trade of the complaining country, since, as a practical matter, it would be impossible to assess the amount of compensation or retaliation in the absence of trade effects.

It is only if the import quota has the effect of impairing the value of a tariff concession—if the trade flows involved were adversely affected—that there would be a basis for a material grievance.

Since what is contemplated by the legislation is the negotiation of agreements under which some growth in imports would be allowed, if growth occurs in the U.S. market, the U.S. Government would have a strong basis, both in GATT law and practice, to defend against any action by the Contracting Parties calling for compensation and retaliation.

A major "retaliation" threat often cited as an example of the horrors which lie ahead is that Japan will reduce or eliminate her very large purchases of U.S. soybeans and raw cotton. Yet the truth is that Japan buys our soybeans because she needs them vitally, as the *Progressive Farmer* pointed out in a brilliant editorial in its current issue. Japan is already buying most of Mainland China's soybean exports and except for the United States, there are no major sources in the world to which Japan can turn. In 1969 world soybean exports totaled 342 million bushels, of which the United States supplied 311 and China 18.

We have seen our exports of raw cotton to Japan decline steadily during the past 10 years—the very years in which we experienced such a phenomenal rise in textile imports from Japan. On the other hand, Mexico, which rigidly controls textile imports, sold Japan more raw cotton last season than did the United States.

ECONOMIST NO. 4,390

Opponents of the legislation also argue from authority, pointing out that "4,390 economists" have signed a statement opposing import controls and comparing this to a petition addressed to Congress by economists in 1930 opposing the Smoot-Hawley Tariff Act of that year. A fuller description of the affair of the 4,390 economists, however, would note that the statement was circulated for signature by the Committee for a National Trade Policy, a reputable, long-established, free trade lobbying outfit representing export interests and located on Connecticut Avenue in Washintgon; that the original endorsers included 20 well-known economists and 2 lawyers; and that the American Economic Association mailing list was used.

The American Economic Association has approximately 18,000 members and the only qualifications for membership are nomination by a member and payment of an annual fee which, at that time, was $10. Were the remaining 14,000 economists the silent majority? Does their failure to sign the statement indicate that they favor textile quotas?

Perhaps not. Yet, how much more professional a survey of opinion the Committee for a National Trade Policy could have given us had they but provided the addressees an alternate statement favoring quotas, as well as the one circulated. Furthermore, to compare the House-passed Trade Bill of 1970 with the Smoot-Hawley Tariff Act of 1930 requires a peculiar arithmetic. The 1970 bill authorized 20 percent tariff *reduction* of present low rates, while the 1930 act increased already high rates substantially.

Nor do all economists view "the theory of comparative advantage" as being carved in tablets of stone. The American Economic Association's selected *Readings in the Theory of International Trade* (Philadelphia: Blakiston, 1950) contains an article by Dr. John H. Williams who served simultaneously as Professor of Economics at Harvard and as Vice-President of the New York Federal Reserve Bank. Of "comparative advantage" he wrote (p. 255), "the premises are inaccurate in sufficient degree to raise serious question of the soundness of the theory, or at least of the range of its useful application to the trade of the world." Professor Williams server as President of the American Economic Association in 1951.

The noted British economist, Joan Robinson of Cambridge University, in her *Economic Philosophy* (New York: Doubleday, 1964) writes (p. 64): ". . . it is not true that no good national arguments can ever be found for protection. . . . the case for Free Trade as a benefit to each nation could not be (proven)." Mrs. Robinson also records (pp. 67, 88), with proper quotations from their works, how those giants of economic theory, Alfred Marshall and Lord Keynes, recognized that Free Trade theory was peculiarly fitted to the unique circumstances of pre-World War I Britain in which the theory was developed, while Keynes later completely repudiated the theory in the depression of the 1930's. Yet, we are told by the "4,390 economists," through the agency of the Committee for a National Trade Policy, that high tariffs Caused the Depression.

Where the United States does have an apparent "comparative advantage" over other producers, a closer look often reveals that the "advantage" was not derived commercially. American jet passenger planes dominate the skies of the world. Yet our jet technology was developed by Defense Department expenditures for bombers—wholly unrelated to commercial costing.

Our science "industry" grew large on Defense and NASA funding. Surely, putting a

Polaris submarine down into the ocean or an astronaut up onto the moon has nothing to do with Free Trade allocation of resources through a competitive pricing system.

A COMMON CONCERN

American agriculture and the American textile industry have a strong common interest in establishing and maintaining reasonable restraints on competitive imports produced abroad under cost structures which would be illegal in this country. The raw cotton producers and the raw wool producers, through their organizations, including the National Cotton Council and the National Wool Growers Association, strongly support the pending textile quota legislation, for example.

Agricultural interests can readily appreciate the devastating impact of imports which, in the case of textiles, already amount to 15% of U.S. consumption when it has been found necessary to set import quotas for cotton, wheat, and dairy products at around 1% of domestic production.

The only real solution to the textile import problem is a system of import quotas negotiated under authority similar to that contained in the Trade Bill passed by the House of Representatives in November 1970, and in the pending H.R. 20. Such a solution has GATT precedent and need not injure American export industries. On the contrary, a firm and reasoned United States stance on textiles would restore American credibility in the international trade arena—and it is an arena. Such restoration of credibility is the necessary first step in securing proper access for United States agricultural and other exports to the highly protected markets of Japan and Europe.

## GRAVE STATISTICS REPORTED BY NATIONAL SAFETY COUNCIL

### HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. HARSHA. Mr. Speaker, according to the National Safety Council, over 55,000 people died, over 2 million were injured and over $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the 1960's, 475,000 men, women and children were killed, over 17 million were injured and $90 billion in economic damages were tolerated.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithall for mounting a nationwide campaign to reduce the escalating carnage on our highways. I am sorry to report that from the beginning the safety program has been hampered by a shortage of funds—particularly in the critical area of research, development and implementation of effective alcohol counter-measures.

On Tuesday, June 29, I plan to introduce legislation which I feel will be a tremendous encouragement toward eliminating the drinking driver. I am asking my colleagues to join me as cosponsors for this urgently needed legislation.

To emphasize the need for this bill, I would like to point out an article that appeared in a recent issue of Analogy magazine which details the legal stumbling blocks which favor drinking drivers. This is just one of the areas where comprehensive changes are necessary if we are to rectify the continuing disaster the problem drinker brings to the highways of the Nation.

I commend this article to my colleagues and I encourage them to seek support from the residents of their district for strict enforcement of present laws and new programs of highway safety.

The article follows:

MANY LEGAL STUMBLING BLOCKS FAVOR DRINKING DRIVERS—A CHALLENGE FOR LAW ENFORCEMENT

(By James J. Hegarty, Director, Arizona Department of Public Safety)

Law enforcement, as a whole, is fighting a losing battle against the drinking driver. This fact is apparent even though his elimination from our streets and highways is a prime objective of traffic law enforcement. The passing of Implied-consent laws and similar legislation should be demonstrating a marked influence on the statistical picture. Why hasn't this materialized?

The logical answer seems to be the ever-increasing number of legal and practical stumbling blocks. These include a lack of judicial support, indifferent sentencing procedures, juries who view drunk driving as a minor crime, and inability on the part of some law enforcement officers to detect the problem drinking driver.

Both the pre-trial and trial periods present problems. There are some prosecuting attorneys who hesitate to take the case to court unless a conviction is a certainty. The prosecutor often arrives in court ill-prepared to conduct an effective prosecution because he assesses more importance to his other cases, particularly felonies.

The popular use of plea bargaining is another legal loophole. The defense attorney and the prosecuting attorney barter for a reduction. This action fulfills several purposes. If the attorneys can agree, the defendant is spared a "driving while under the influence" charge on his record, it may save his driver's license, and the prosecutor saves time and is guaranteed a conviction, although on a reduced charge. These actions are, in part, necessitated by the over-flowing court dockets and inexperienced, understaffed prosecution staffs. Realistically, cases must be dealt with on the basis of the seriousness of the charge which relegates "driving while under the influence" cases to a low rung on the established priority list. Continuances and trial delays eventually result in memory lapses for both officers and witnesses; evidence may be lost and the prosecution's interest wanes. When the case is finally settled and a conviction results in probation or a nominal sentence, we are nullifying the deterring effect anti-drunk legislation is supposed to produce.

The problem this presents cannot be solved easily. We have already learned a few progressive acts by the legislature are not enough. Then too, we must realize the individual problems must be defined and then solved by each community. All problems are not shared in equal seriousness throughout the United States. Here in Arizona, a primary step would be to specially train attorneys whose job it would be to prosecute only misdemeanor cases.

One problem that could be solved on a national basis is the legality of the chemical tests used by law enforcement officers. The first step would be the universal acceptance of the .10 blood alcohol percentage. This percentage can be backed by medical research to help confirm its validity. The courts might then be more receptive to this evidence.

Judicial support for law enforcement has been the battle cry of all advocates of law and order. Competent traffic enforcement must have the same judicial support. Thousands of deaths occur on our highways each year. The serious injury accident rate is epidemic and the annual cost of highway property damage runs into the millions. Yet, with all this, judicial support is not universal.

Since traffic violations are not considered serious, it is common for a police officer to discover his drunk driving charge against a driver has been dismissed or reduced without qualification. Judicial acceptance of chemical testing procedures of drunk drivers and a favorable view when introduced as evidence is of primary importance.

American criminal justice is based on the impartial jury system. Theoretically, this means a group of objective and impartial peers determine the accused's guilt or innocence based on the facts of the case as they are presented in court. If the jury were, in actuality, objective and impartial, the ideal would be reached. However, too often we find that juries are not a true cross-section of our population. The courts grant immunity from jury service to several professions and both the prosecution and the defense attorneys object to wide stratas of society. These practices reduce the areas from which we can draw effective jurors.

We also find jurors have a tendency to sympathize and identify with the defendant in traffic cases. This eliminates the objective and impartial trying of a case; the case is not tried on its own merits. Defense attorneys find it simple to sway the jury with emotion. The problem drinking driver is pictured like your friendly neighbor who has been placed in an embarrassing situation by an unfortunate set of circumstances. The picture enlarges and the juror easily sees himself in the same position, and again through no fault of his own. His decision is based on how he should be treated, should it happen to him.

The general public has not been adequately educated in the use of chemical testing for intoxication. Implied-consent legislation has not been defined so that the public understands its use and its ultimate goal. In too many cases their first exposure to either Implied-consent or chemical testing is when they appear in court as a juror or a defendant. Public ignorance is an attacking tool used by the defense. When the defense attorney casts doubts on the validity and legality of chemical testing, it can seriously cripple the prosecution's case. This means all law enforcement agencies should have as a primary goal the basic education of the public on all phases of chemical testing for alcohol. An educated juror will be more apt to view the court presentation with an impartial attitude.

The cornerstone of the offensive against the problem of the drinking driver is the police officer in the field who detects and concludes whether or not to arrest.

The Arizona Department of Public Safety places much effort in the training of its officers to detect and identify the drunk driver as he navigates his deadly course. It is our philosophy that a poorly-trained and a poorly-equipped officer would nullify the best state statutes, jury selections, judicial support, and chemical testing methods. The police officer must not only be able to detect, he must have the desire to remove the drunk driver from the highway. He must find the

value and satisfaction within himself in removing this menace, although he may eventually lose his case on a whim or technicality.

In order to identify the drunk driver, an officer must be well-trained in the areas of administering objective field tests and administering chemical tests. The officer must be able to evaluate the degree of intoxication of the driver by these field tests and observance of the driver's mannerisms. He need not be able to state his knowledge of the chemical components or scientific basis for the chemical tests. However, he must be able to withstand the defense's cross-examination into the expertise of his ability to administer a chemical test.

The police officer must be equipped not only with the legal knowledge to cope with our adversary system of criminal justice, but he must be fully aware of his state's statutes pertaining to drunk driving and Implied-consent. He must realize he has only moments to make his decision, but that decision will be questioned thoroughly in court by those who were not present at the arrest.

Ideally, the true preventive process lays within the driver himself. The picture of the ultimate consequences of his actions should deter his driving while under the influence of alcohol. However, since this hasn't worked, perhaps the certainty of punishment on conviction would be a partial answer.

Although the present picture is bleak, law enforcement must continue to view the mounting death rate as a challenge to its professional responsibility. It must persist in an aggressive search for the answer of how to bring the variable of enforcement to its optimum of effectiveness against the problem drinking driver.

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## COMMENTARY ON BILLBOARDS, WELFARE, AND SOCIAL SECURITY

### HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. SNYDER. Mr. Speaker, I would like to call the attention of my colleagues to an informative weekly radio commentary by Mr. Ed Wimmer, vice president and public relations director of the Federation of Independent Business.

I believe the Members will find this editorial especially significant and illuminating at this editorial especially significant and illuminating at this time with the rapidly expanding welfare rolls in the United States in recent years and with the increasing concern by the U.S. Congress in this vital area.

Radio broadcast No. 193, series 71 follows:

(By Ed Wimmer)

KNOCK DOWN BILLBOARDS—BUILD WELFARE—BANKRUPT SOCIAL SECURITY SYSTEM—IT IS EASY

If you have been a regular listener to these weekly discourses on how the so-called free enterprise system, and what is left of representative government in these United States, are being stabbed to death in the House of Friends, you should recall the fight we made to prevent the merger of the New York Central with the Pennsylvania Railroad; our prediction being, that if the merger went though it would lead to the biggest bankruptcy in history, and from there to nationalization—socialization—of the railroads.

The bankruptcy did take place, and the first steps have been taken toward government financing and ultimate federal operation, and if present trends continue, there will be no transit system in the country that won't be taken over by the city, state or federal governments.

Now, if this doesn't sound like socialism or communism, then I have lost my marbles, and the prediction I want to make now is the Social Security System is heading pell-mell down the bankruptcy road, and will be bankrupt if the Congress doesn't go back to its beginning, and trace right up to the present day its whole operation; its increased costs; what is happening to Social Security funds; what all pensions are costing us in the price of goods and services; who gets the pension money and how much; are the huge pension funds being invested instead of being paid out to the people who pay into them, and above all, how much would a private, enforced old age insurance program cost in comparison?

A young man pays into the System from the first day he gets a job until he reaches Social Security age, and he has built no estate as he would under private plans. The pittance received at his death by his widow is probably less than 10% of what she would get from a well planned private insurance program . . . and believe me, I am not overlooking the unparalled shortcomings of the insurance industry. It's a curse unto its own house—but—

Let us consider what the Federal Government is weighing in legislation now before Congress that suggests deductions up to $800 maximum annually for an employee, which would be matched by the employer. This is a payroll tax of nearly $1600 annually, or more than the present income tax on the same amount of money earned; so where would this put the average worker? What would it do to the average small businessman? The farmer? The professional class?

In other words, income taxes and social security taxes could run well over $3,000 a year on a $9,000 salary, to which you add at least 25% in other direct and indirect taxes, and the buying power of your $9,000 salary would shrink at least 50%.

James Madison, author of the Virginia plan which later became the Constitution of the United States, put our present situation in a nutshell when he said:

"If a man, a town or a state lives beyond its means, there someday comes a demand for a settlement."

That day is HERE. Barry Goldwater, Jr., put a speech in the Congressional Record by Governor Ronald Reagan, who pointed out that ten years ago there were 620,000 people on relief in California. Now he says we put that many new ones on each year—one out of every nine people in the state, at a cost of $3½ billion in 1970, which is more than the total cost of the Federal Government in 1929. Reagan predicts the relief case load in 1972, in his state, will be one out of seven if we cannot find better methods of conducting welfare programs.

Is a better answer in President Nixon's family assistance plan? A guaranteed annual income covering something like 26 million men, women and children? Are the new National Health Care proposals that would cost more than medicare and medicaid, something that we even dare consider under present conditions? Has anyone actually faced up to the fact that we will have a federal deficit of probably $20 billion, and this with most of our states on the verge of declared bankruptcy? Is there relief in a "share of the taxes" plan if the money is paid out of deficits?

I have a letter in front of me from Governor Arch A. Moore, Jr., West Virginia, in which he comments favorably on our recent broadcast on welfare as a Gargantuan cancer. Although he apparently is undecided about the President's annual guarantee plan, he knows things cannot go on the way they are without a blowup. But Arch Moore has some almost unbelievable figures in his letter that ought to attract more attention than they are getting, in that West Virginia in the last three years as shown a 50% reduction in the number of unemployed fathers on welfare rolls.

The Governor also reports that the welfare case load of the Aid to Families with Dependent Children program has increased in West Virginia by less than 7% over last year, as compared to 48% increases in Virginia and 75% in Pennsylvania. He adds:

"With all of the proposals receiving careful national attention, I can only hope that we as a people won't be deluded into thinking that if the Federal Government takes over welfare, the problem will disappear, for it will only temporarily be obscured unless each community that is close enough to the problem, and is willing to help in its solution, does so."

Let me at this point ask you a few questions, and you try to answer them in your own mind. The first: Do you believe that we are living under anything that even resembles a capitalistic, free, competitive, private enterprise system? Do you have the faintest hope that we can SAVE what is left of our competitive, independent spirit that opened our frontiers, built our towns and cities, great churches, libraries, parks, steel mills, auto industry, transit systems, vacation resorts, great hotels, great stores—without a dime of federal aid—if we keep going the way we are today?

Karl Marx and Lenin both predicted the capitalistic system would become "bogged down in a concentration of economic power that would lead to socialization of the labor process (the huge unions) which would bring about more and more government until finally the capitalistic regime in America would fail, and thus go down all over the world."

Only a few years ago, Norman Thomas, a perennial candidate for President on the Socialist ticket, said he quit running because the "Republicans and Democrats have adopted 75% of my socialist program, and in 10 years they will adopt the other 25%." This is exactly what both parties are doing by not getting at the source of our troubles, by not breaking up all the huge corporate combines and chain stores. By not stopping dead in their tracks the autocratic labor leaders who have the power to paralyze the whole nation. By not turning back the conglomerates in banking, agriculture, and chain stores that are monopolizing both domestic and international trade.

Over the past several years we have talked to you about the big corporations that are infiltrating our agriculture, which, along with the big chain store groups, have controlled prices paid to the farmers; 100,000 families leaving the land annually. Recently the Oppenheimer Industries, which owns 240,000 acres in the Los Angeles area, a 400,000 acre ranch in New Mexico, and 30 farm and ranch operations in Missouri, announced it will begin farming on hundreds of thousands of acres west of the Mississippi. . . The Kansas City Star says Oppenheimer Industries will "influence the destiny of many rural areas in Missouri, the Southwest, along the Mexican border, and in the far west."

Oppenheimer Industries is only one of the huge agribusiness corporations that set up tax shelters for wealthy investors, the kind of operation that experts have referred to as a plague on society, yet they keep right on monopolizing and bureaucratizing agriculture and anything else they happen to touch, with little or no interference.

Consider this power problem in relation to the present drive of the Federal Government to knock out the billboard industry with a bribe of 10% added to highway funds—if the states comply. Consider the threat of the whole power buildup, especially in government, and the destruction of our markets by foreign sweat shop labor in relation to the

drive by scores of Congressmen, Ralph Nader, and an army of consumer advocates who want a law that will enable consumers of a product to be included in the settlement of any successful suit brought against a manufacturer or retailer by any one person, and you begin to get some idea of just what we are facing.

We all know that the market place is fraud-bound as never before in history. There is a don't-careism taking place in industry and behind the counters of retail stores in some areas that sends people home sick with the whole system. Some of the billboards and junkyards that haven't been culled out or beautified, deserve obliteration, but compared to the monopoly-socialism, welfare, confiscatory taxation, foreign trade, liquidation of the family farm, small business and local bank problem, these other things fade into insignificance.

When this war is over, for example, if it does end—what will we have left for Cambodia, Laos, Korea, Philippine, or South Vietnam aid? What are we going to do with the ABLE-bodied veterans who may want to strike out on their own, but will have as much chance as a snowball in you know where, if present trends continue?

Our trouble is, we ran away from our Heritage. We didn't walk away—that wasn't fast enough. We sold our family farms and small businesses down the river, and cut off millions from a rural and urban relationship that was the very sum and substance of our free enterprise, representative government way of life.

But there IS hope. Our National Federation of Independent Business held a Conference on these vital issues last month, in Washington, and over 1,000 of our members went away with a feeling that this country IS going to face up to its challenge. That we CAN end the monopoly-socialism threat so we can look to a return to the Jefferson-Madison concepts of freedom. HUD Secretary George Romney addressed our Conference, and he backed this commentator's statement to the hilt: that if we lose the fight against the power blocs, we will have a Welfare State to Mourn on July 4, 1976, instead of a 200-year-old Republic to celebrate.

This may sound like a voice of doom, but if I handed you a lot of soft soap—don't worry—we came through before and we will come through again baloney—I wouldn't be true to myself nor to you.

## THE ATLANTIC ON "NIXONOMICS"

### HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 21, 1971*

Mr. HARRINGTON. Mr. Speaker, despite the Nixon "game plan," the country is suffering from an unemployment rate of 6.1 percent. Inflation still plagues the consumer and forces him to pay higher prices at a time when he can least afford them. Yesterday, the stock market dropped another 12 points bringing the Dow Jones average down more than 30 points in the last 2 days. At the same time, the Labor Department announced the cost of living went up last month one-half of 1 percent, the largest jump of the year.

As an article in the July issue of the Atlantic Monthly makes all too clear, we are in a unique economic situation—a recession during a time of inflation.

Authors Rowland Evans, Jr. and Robert D. Novak note that the Nixon administration refused to alter its course and lacked the courage to impose wage and price guidelines. The administration's timidity in this area may, the authors suggest, lead to a one-term Presidency, but the issue is how best to solve the current economic ills. Without some form of wage and price controls, I fear the economy will continue to decline.

The administration continues to apply unrealistic and deficient solutions to problems which create very realistic problems for those who are suffering the most—the unemployed.

At this time, I insert the article "How the Game Plan Went Wrong" in the RECORD for my colleagues:

NIXONOMICS: HOW THE GAME PLAN WENT WRONG

(By Rowland Evans, Jr., and Robert D. Novak)

Lawrence F. O'Brien, chairman of the Democratic National Committee, on May 21, 1970. "Nixonomics means that all the things that should go up—the stock market, corporate profits, real spendable income, productivity—go down, and all the things that should go down—unemployment, prices, interest rates—go up."

In early April, 1969, Richard Nixon called Representative Wilbur D. Mills of Arkansas, chairman of the House Ways and Means Committee, to the White House to reveal his plans for fiscal austerity. He had managed to cut some $4 billion, the new President informed Mills, from Lyndon Johnson's last and "uncuttable" budget. No member of Congress was more disturbed than Mills by the way federal spending had gone out of control under Johnson, and he was pleased by the reduction. But he wanted more—say another $4 billion?

"Oh, no! We can't do that," said Nixon. "We can't cut so deep that we start a recession."

Mills was puzzled. As he understood it, Nixon's economic strategy—or "game plan" as it was known, in deference to the football-loving President—called for slowing down inflation in 1969 at the regrettable expense of some temporary unemployment. Thus, Nixon seemed to be saying that he was willing to slow down the economy enough to cause some unemployment but not enough to cause a recession. To Mills, this ambivalence made no sense. On the question of how much to slow down the economy, the ambivalence was deeply ingrained, born not of mere skepticism of economic orthodoxy but of two deeply embedded, conflicting impulses that Nixon carried with him into the White House.

Early in 1968, before the series of heart attacks that were to end his life a year later, General Dwight D. Eisenhower discussed the first impulse candidly. "I think Dick's going to be elected President," he told one of Nixon's political advisers, "but I think he's going to be a one-term President. I think he's really going to fight inflation, and that will kill him politically." To Eisenhower as well as to most orthodox Republicans, that would be the worthy sacrifice of a courageous political martyr. For the old General there was no higher imperative for a new Republican President than to curb the torrent of inflation that had been loosed on the economy since full U.S. intervention in the Vietnam War in 1965. To them, at stake was nothing less than the value of the dollar, the role of the United States as a great power, and the very quality of life in this country. To save all this entailed sacrifice. Attempting a reduction in the rate of inflation from 1953 through 1960 (considerably less virulent than the present siege), President Eisenhower's economic policy induced three recessions; these had three disastrous consequences for the Republican Party. First came the Democratic landslide in the elections of 1958, which ended the previous postwar pattern of a virtually even balance between the parties in Congress and established huge Democratic majorities (which persisted even when Nixon was elected President a decade later). Second was the election of Democrat John F. Kennedy for President in 1960. Finally, and perhaps worst of all, the Republican image, formed in the days of Herbert Hoover, as the party of bad times was reinforced in the voters' minds. Now, eight years later, blessed with not a fraction of Eisenhower's unlimited popularity, Nixon would have to take more unpopular actions to fight a worse inflation. The resulting unemployment, business slowdown, and stock market decline almost surely would prevent his re-election in 1972, Eisenhower speculated. But considering the deeds he would be performing in the service of his nation, Eisenhower felt the sacrifice not only would be worthwhile but would assure Nixon a place in history.

Nixon, too, regarded inflation as something more than a campaign issue handy for attacking the Democrats. Some two weeks before the election of 1968 in a paid address over the CBS Network, Nixon declared: "Inflation penalizes thrift and encourages speculation. Because it is a national and perverse force—dramatically affecting individuals but beyond their power to influence—inflation is a source of frustration for all who lack great economic power." That is, in Nixon's diagnosis, inflation was a virus affecting not just the health of the economy but the frame of mind of the entire country. He fully agreed with the assessment by Theodore White as the Nixon Administration took office that "inflation, in the past four years of American life, has ravaged our standards of behavior."[1] There was, then, reason to suspect that General Eisenhower's assessment was correct.

There was also, however, a conflicting impulse in Nixon. During that difficult decade after his defeat in 1960, aides and close friends had heard Nixon say privately time after time that had President Eisenhower only taken his and Arthur Burns's advice early in 1960 and moved rapidly toward stimulating the economy, he—not Jack Kennedy—would have been elected President. The implication, not quite stated flatly, was that Richard Nixon, if he had the power, would never again go into a presidential election with the economy in a state of deflation.

The closest Nixon came to putting this view on the public record was in a passage from *Six Crises*, his autobiographical work published in 1962. Nixonologists in the world of business cited the passage to their colleagues as the true test of what they could expect in the next few years. After telling of Burns's failure in 1960 to convince Eisenhower to act, Nixon writes this memorable assessment of the election that year, unable fully to restrain his bitterness:

"Unfortunately, Arthur Burns turned out to be a good prophet. The bottom of the 1960 dip did come in October and the economy started to move up again in November—after it was too late to affect the election returns. In October, usually a month of rising employment, the jobless rolls increased by 452,000. All the speeches, television broadcasts, and precinct work in the world could not counteract that one hard fact."

Here, then, was the source of the ambivalence perceived by Wilbur Mills in April, 1969. Should Nixon be the self-abnegating statesman sacrificing his personal future to save the republic from inner rot, or the pragmatic politician finally removing from the Republican Party the curse of Herbert Hoover? Whether or not this ambivalence was appreciated by Richard Nixon in his own

Footnotes at end of article.

inner thoughts, it did not surface in the early meetings on the economy in his new Administration.

Those meetings were concerned almost exclusively with the problem of inflation which had dropped the value of the 1957–1959 dollar to 81.1 cents as Nixon took office. Presiding occasionally at meetings of the Cabinet Committee on Economic Policy, of the Quadriad, and of the Troika,[2] Nixon made obvious his deep commitment to curbing inflation. Nixon as President could engage his full attention on only three or four large items at one time, and inflation was the only domestic issue that had that level of presidential attention as his Administration began. In private conversations with his staff, Nixon asserted he must deal rapidly and decisively with two principal crises: the Vietnam War and inflation. Furthermore, those few members of his economic team who also had served President Eisenhower noted with satisfaction that Nixon had an incomparably more sophisticated grasp of economics than did the General.

But that scarcely qualified Nixon as an economist. "This is not his long suit," "this is not his cup of tea," "this is not his background," are the remarkably similar assessments of Nixon the economist by three separate members of his economic team. More serious than lack of technical competence, however, was Nixon's lack of emotional commitment. Though he intellectually understood the seriousness of inflation, the Dismal Science did not capture his imagination as did the Vietnam War, détente with the Soviets, or rehabilitation of the Western Alliance.

Given these deficiencies in both his knowledge of and interest in economics, his first-string economic team, the Quadriad, was of peculiar importance. For the first year of Nixon's presidency, this was the Quadriad:

William McChesney Martin, sixty-two, chairman of the Federal Reserve Board (then completing his eighteenth and last year in charge of the nation's central bank). Martin (a nominal Democrat) had not for some years been the dynamic proponent of economic conservatism that he was during the Eisenhower and Kennedy Administrations and was now a somewhat dispirited lame duck. He had no personal relationship with Nixon and did not develop one.

David Kennedy, sixty-three, Secretary of the Treasury. Named on the recommendation of banking interests and Wall Street men, this distinguished Chicago banker, unskilled in macroeconomics, conceived of himself more as manager than policymaker. His relations with Nixon were scarcely any more intimate the day he left the Treasury than the day he entered.

Robert Mayo, fifty-two, director of the Bureau of the Budget. After nineteen years as a career government economist at the Treasury, he joined the banking business as a subordinate to David Kennedy, who recommended him to Nixon for the Budget Bureau. In the government, too, Mayo seemed more Secretary Kennedy's subordinate than Nixon's. Not in recent memory had a Budget Director been more distant from the President.

Paul McCracken, fifty-three, chairman of the President's Council of Economic Advisers. This cool, unflappable, unfailingly gracious economics professor from the University of Michigan had been a member of the Council in Eisenhower's second term and was so well regarded professionally that despite his conservatism, his appointment was hailed by liberal economists. Recommended for the post by Arthur Burns, he was to be the principal author of Nixon's economic game plan and the dominant member of the Quadriad through 1969. But he, too, would never achieve an intimate relationship with the President. McCracken was the essence of the pedagogue, his presentations to the President having the bloodless quality of professorial lectures in Economics 100. As McCracken unfolded historical background and explored every conceivable side of the subject, Nixon's eyes would glaze over. McCracken bored him stiff.

In contrast to the rest of Nixon's domestic policy team, the Quadriad was older, more professionally qualified, better known to the outside world, and more distinguished generally. But it was also less dynamic and less able to penetrate the Haldeman-Ehrlichman Berlin Wall. There was in the Quadriad no John Mitchell, Melvin Laird, Patrick Moynihan, George Shultz, or John Volpe who, for one reason or other, could enchant, convince, or pester the President into accepting his point of view or, at least, actively engage Nixon's interest.

Present at the White House as Counselor to the President, of course, was an economist who was an old Nixon intimate: Arthur Burns (who did sometimes sit with the economic team as "the Quadriad Plus One"). But Burns was eager not to be looking over the shoulder of Paul McCracken, the man he had recommended, and felt his post as Counselor required as much devotion to noneconomic as economic questions in the domestic area.

With these men, Nixon knew that inflation was a crisis ripping at the innards of America. But he lacked consuming interest in the subject, and his economic team neither stimulated nor influenced him. What nobody could realize in January, 1969, was that inflation would prove to be Nixon's most intractable problem (far worse than Vietnam), would lead to wrenching Republican disappointments in the 1970 midterm elections, and by 1971 would make General Eisenhower's prediction of a one-term presidency seem very real indeed.

In 1942, four years before he ran for Congress and ten years before he was elected Vice President of the United States, Richard Nixon spent ten months in wartime Washington as a lawyer for the Office of Price Administration. It was an experience which seared his soul, as he revealed early in his presidency, on February 14, 1969, while attempting to give an inspirational address to personnel at the Treasury. Speaking without a text, Nixon wanted to establish empathy with the bureaucrats by recalling the days when he was one himself. What came out, however, was more melancholy reminiscence than nostalgia:

"I was once a P-3 when they had that. Some of you will remember that. A P-3 lawyer in the OPA in 1942 was a very low form of life, I can assure you.

"I remember then the task that I had of preparing form letters and also preparing Congressional mail to be signed by the President of the United States on tire rationing.

"It seemed to me to be a very boring job at times."

Dick Nixon, P-3 lawyer, was then twenty-nine, working in a dead-end bureaucratic job in Tempo D, a dreary wooden shack left over from World War I—without money, without family connections, without much in the way of prospects, and certainly without political ambition. His own unhappy condition might be one reason he carried from OPA such an uncharacteristically dogmatic opposition to wage and price controls of any kind. Although the wartime OPA in retrospect had been given generally high grades for its performance of a difficult and onerous but necessary task, Nixon's personal recollection was otherwise. In private conversations over the years, he talked of the corruption, the cheating by the public, and the unhappy consequences when a government seeks to control the private economic decisions of private citizens.

Nixon the supreme pragmatist was inflexible about economic controls; however, much his interest might flag in discussion of other economic questions, his enthusiastic advocacy on this point was constant. Nor was Nixon adamant simply against outright government controls. He was equally opposed to a return to the policy instituted by President Kennedy in 1961: voluntary guideposts issued by the government to limit wage and price increases—what is called an incomes policy in Great Britain and Canada. The guideposts had been plowed over and abandoned in the inflationary surge of 1966 following President Johnson's full-scale intervention in Vietnam. But late in 1968, Johnson's Cabinet Committee on Price Stability recommended a return to official guideposts (based on a maximum 5 percent wage increase in 1969), and Hubert Humphrey almost surely would have followed the recommendation had he been elected. But a guideposts policy would work, Nixon believed, only if the government used muscle to enforce it—as when John F. Kennedy forced the steel industry to roll back a price increase in 1962. That, to Nixon, was nothing more than mandatory wage-price controls without statutory sanction. Finally, Nixon ruled out even those admonitions by a President and other federal officials called "jawboning," used by Kennedy-Johnson officials both in conjunction with a guideposts policy and after the guideposts had been abandoned.

Fatefully, Nixon's prejudices happened to coincide perfectly with the expert opinion of his advisers. The entire Quadriad plus Burns agreed with Nixon's opposition to controls, to an incomes policy, to jawboning. This further coincided with the prevalent opinion in the business community, which had so rapturously given its support to Nixon against Humphrey. Following the eight prosperous years of the Kennedy-Johnson era uninterrupted by a genuine recession, business was riding high in January, 1969. With its goal of quick profits and an ever expanding economy, business wanted nothing more than to be left alone by the government.[3] That is precisely what Nixon's campaign promised business, and to be left alone meant not only easing federal control of regulated industries (including the stock exchange) but also a moratorium on nagging about higher wages and higher prices.

Consequently, there had been no previous great debate, either inside or outside the new Administration, when Nixon told his first press conference on the morning of January 27:

"I do not go along with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines. I think that is a very laudable objective for labor and management to follow. But I think I am aware of the fact that the leaders of labor and the leaders of management, much as they might personally want to do what is in the best interests of the nation, have to be guided by the interests of the organization they represent.

"So the primary responsibility for controlling inflation rests with the national administration and its handling of fiscal and monetary affairs."

With those comments, the new President was reflecting a view widely held not only by his own advisers but by economists generally: the inflation roaring wildly in January, 1969, was essentially caused by the federal government. The record of the Federal Reserve Board in controlling the nation's money supply in the second half of the 1960s was a sorry one. Having choked off the money supply as an anti-inflation device in 1966 so tightly that it produced a serious slump in housing and construction (called by some a "mini-recession"), the central bank started pouring out money too quickly and too generously in 1967 and thereby

Footnotes at end of article.

spoon-fed a new inflation. The Federal Reserve's culpability, however, did not approach Lyndon B. Johnson's. Refusing to ask Congress for a tax increase to finance the Vietnam War when he intervened in 1965, President Johnson piled up huge inflationary budget deficits climaxed by $28.4 billion in red ink for the year ending July 1, 1968. To compensate for these governmental excesses, the Nixon game plan was to hold down the money supply by means of monetary policy and achieve a budget surplus through fiscal policy.

But the business community interpreted Nixon's comments of January 27 in slightly different fashion. What it thought Nixon was saying was this: Fighting inflation is our business, not yours; you fellows have no responsibility to do anything in the way of self-restraint. Even before Nixon's January 27 press conference, businessmen were being told authoritatively that Washington was now laissez-faire on prices. Dr. Pierre Rinfret, an influential economic consultant in New York in close touch with the Nixon team, advised his clients to raise their prices and raise them *now;* because everything else was going up, they would get no backlash from Washington, and besides, the responsibility for fighting inflation was the government's, not theirs. So, unwittingly, Nixon's abandonment of jawboning helped to generate the inflationary psychology he was trying to control and imposed a still greater burden on the government's monetary and fiscal policy.

Monetary policy was no immediate problem. William McChesney Martin and the rest of the Federal Reserve Board had instituted a tight-money regime in 1968 and were keeping the screws tightened.

Fiscal policy was another matter. As he entered the White House, Nixon was undecided about requesting an extension of the 10 percent income tax surcharge proposed by President Johnson in 1967 and finally passed by Congress in 1968. Burns and the Quadriad were unanimous in advising Nixon that letting the surtax lapse (along with its $10 billion a year in revenue) was sheer madness. But Nixon had his doubts. He was on record with a somewhat wishy-washy commitment during the 1968 campaign to repeal the surtax, and a great many Republican candidates for Congress had made a stronger commitment. Besides, Nixon was not happy about the LBJ label on the surtax. But in the end, he reluctantly agreed to propose reenactment.

There still remained the more difficult basic problem of putting a rein on federal expenditures, bloated by the Vietnam War. The results were disclosed by the President in a message to Congress on April 12. The expenditure estimate of $195.3 billion contained in Johnson's final budget (for the fiscal year ending July 1, 1970) was spurious, the Nixon men found. The more realistic figure was $196.9 billion. The President then reduced this by $4 billion, to give him a projected surplus of $5.8 billion, which Nixon quickly labeled the largest surplus in eighteen years and the fourth largest in history.[4] Seemingly, Nixon had moved quickly and masterfully to bring the budget under control; a step toward victory in his fight against inflation.

In truth, however, the budget balancers in the Administration were defeated. Arthur Burns, in particular, felt that Nixon had lost the golden opportunity to check federal spending. He realized that the highly publicized budget cuts were largely cosmetic without seriously drawing back long-range spending programs. As Budget Director, Mayo tried to bring the budget into line but failed. Part of the trouble stemmed from the inability of Mayo, the gentlemanly ex-Treasury bureaucrat, to force deep cuts in expenditures on Nixon's department and agency heads, who now were championing the causes of their new bureaucratic constituencies. But the blame cannot be placed solely on Mayo. Many of his most important initiatives to cut expenditures were not backed up by the President. The reduction of $1.1 billion for the Pentagon would have been still larger had Nixon sided with Mayo instead of Laird. Nor was the space exploration program cut to Mayo's specifications. Nixon overruled Mayo's attempt to eliminate the costly supersonic-transport (SST) subsidy program. And he lost his argument with the President that the proposed new program of income maintenance for the poor, whatever its long-range savings, was fiscally irresponsible in the short range.

Mayo's failure is traceable in part to the peculiarities of the Nixon presidency. A stolid fellow lacking the ability to entrance Nixon, Mayo had no standing in the White House. He could not compete with a Pat Moynihan persuading the President to support income maintenance, or a John Volpe drumming up arguments for the SST. His only budget-cutting ally in the White House was Arthur Burns, who was having his own trouble influencing the President. Indeed, before long Mayo lost all physical contact with Nixon. By late 1969, he was getting his instructions from the President via John Ehrlichman and relaying his proposals to the President via John Ehrlichman—an unprecedented ignominy for a Budget Director that he should not have tolerated.

Beyond personalities, however, there was also Nixon's fear as expressed to Wilbur Mills that too great a budget reduction would induce a whopper of a recession. The result was a policy enunciated by Dr. McCracken as "gradualism"—gradually reducing inflationary pressures by moderate, not precipitate, pruning of federal spending. That McCracken and just about every other Nixon adviser (with the conspicuous exception of Burns) agreed that gradualism was the proper antidote testified to how badly they underestimated the force of inflation.

McCracken's concept of the power of gradualism was succinctly described by Hobart Rowen in his column in the Washington *Post* on March 22:

"At some point . . . probably suddenly and without advance notice, big and little people are going to decide that prices (including the price of money) are too high.

"At that point (and Mr. Nixon's people hope it will arrive soon), plant expansion projections will ease off, consumers will start to save a little more and spend a little less, and the exaggerated pace of the economy will settle back to earth."

On March 22, 1969, Richard Nixon seemed to have put all his own faith in the game plan of gradualism. Four months later the chilling doubts set in.

Pierre Rinfret, a flamboyant Canadian-born economist, was an early Nixon-for-President enthusiast, and joined the team of advisers at Mission Bay, California, making campaign strategy following Nixon's nomination for President in the summer of 1968. After the election, a Nixon aide sounded out Rinfret on the possibility of his becoming a member of the President's Council of Economic Advisers, but Rinfret replied that he would not give up his lucrative New York-based consulting firm for any federal post. Although McCracken and the other Council members tended to look down their noses at his professional credentials, Rinfret remained in close and amiable contact with several figures in the Administration, including Arthur Burns.

But by July 3, Rinfret had become so disaffected that he distributed to clients of his firm a two-page confidential memorandum titled "We Accuse" which said: "We accuse this Administration of incompetence."

In attempting to curb inflation, charged Rinfret, the Administration (in collaboration with the Federal Reserve Board) was promoting "the current mood of economic and financial terror." In Pierre Rinfret's view, the Administration had started badly and was steadily getting worse. "We accuse the Administration of totally miscalculating the need for advance economic planning before it got into office and for being totally unprepared once it did. It went into office with slogans and little else." Most of all, it erred in thinking "that inflation could easily be turned off" and therefore did not sufficiently cut federal spending. Instead, it was risking a financial panic by relying on the Federal Reserve Board's tight-money policy as the first line in the war against inflation. The Administration was "fostering, abetting and creating inflation while it has advocated deflation" because "the first thing it did was to announce the abandonment of the wage and price guidelines, which created 'open sesame' on prices and wages."

Rinfret's harsh language typified the startlingly rapid turn of sentiment against Richard Nixon in the business community during those first five months. On July 3, the President's ratings in the polls were still high, the peace movement had not stirred, and the Democrats had scarcely pinked him. But his supporters in the world of business had turned against him with the ferocity of a friend betrayed. Under the man they had supported for President, the business climate was becoming a bad dream: stock market down and falling; interest rates up and rising; money so tight that some businessmen were unable to operate; a recession on the horizon; and finally, that precious commodity, business confidence failing. And yet, all this had not brought an end to inflation. On June 11, David Kennedy, using language more candid than that of other members of the Quadriad, told a meeting of the Advertising Council in Washington that the nation was on the brink "of a runaway inflation."[5]

Kennedy's candor was unusual. According to the Nixon party line, the game plan was working and everybody should be patient. But by the time of Pierre Rinfret's broadside, Nixon's economic team—though probably not Nixon himself—knew it had underestimated inflation, and so far had not brought it under control. The further cold reality was that current policies would produce a moderate recession in 1970 whether or not they stopped inflation. The Nixon Administration faced the nightmare of *simultaneous* inflation and recession for the first time in modern economic history.

At the White House, Arthur Burns was clearly less than pleased with McCracken, the man he chose to be the President's chief economic adviser. He confided to friends that McCracken was talking too much publicly about stopping inflation and not talking hard enough privately about cutting back on federal spending. Burns fought for greater budget austerity and in August came up with a notable success. He won Nixon's approval for an immediate cutback of 75 percent in all federal construction, including the massive interstate highway program. To Burns, the shock value of this move might just jolt the inflationary psychology still gripping the nation. One political obstacle, however, was the predictable outrage of the state governors, now overwhelmingly Republican. To deal gently with the governors, announcement of Nixon's move was delayed until the first week in September, when they would all be together at their annual national conference in Colorado Springs, Colorado. Burns would be there to do the explaining.

What followed was one of those strange attacks of indecisiveness, compounded by failure of communications, that sometimes undermined the best domestic intentions of Richard Nixon.

Nixon arrived in Colorado Springs on the

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Footnotes at end of article.

afternoon of September 1, 1969, from his beach house at San Clemente, California, where he was spending much of the summer. Scheduled to address the governors' black tie banquet at the Broadmoor Hotel that night, the President might have taken the opportunity to slip the governors the bad news about the construction cutback and urge them to keep a stiff upper lip for the good of the republic. Instead, Nixon delivered a conventional jeremiad against social welfare spending under Johnson during the past five years ($250 billion that had "reaped a harvest of dissatisfaction, frustration and bitter division") without revealing his new plans for austerity, and returned to San Clemente that night.

The reason he left without mentioning the cutbacks was that his politically conscious advisers persuaded him of the adverse impact on the governors from such talk. Vice President Spiro T. Agnew, only seven months out of the governorship of Maryland and now playing a liaison role with his former colleagues, told the President the governors were far more worried about recession than inflation and would rise up in wrath against a flat-out cutback. He was backed by Volpe, who as governor of Massachusetts had led a delegation to the White House in 1967 to protest a highway-construction freeze imposed by Lyndon Johnson. Agnew's alternative: delay the cutback on federal grants to the states for six months, until April, giving them a chance to inventory federally financed projects and to select which ones to cut back.

With *Air Force One* shuttling the President back and forth between California and Colorado, with key officials of the government scattered across the continent between Washington, San Clemente, and Colorado Springs, the difficulty in communications at top levels of the Administration was compounded. Agnew thought he had Nixon's agreement to the six-month delay. The White House thought no such thing. On the afternoon of September 2, Agnew privately briefed the governors about the impending cutback plans, adding that there would be a six-month reprieve on federal-state projects. In Colorado Springs, when Arthur Burns learned about Agnew's retreat, he was furious. Now, having promised the governors a six-month reprieve, there could be no immediate cutback, the essential shock value had disappeared, and worst of all, the press and the politicians would believe that Nixon did not have the stomach to deal courageously with inflation. That bothered Burns the most.[6]

Two days later at San Clemente Nixon issued a statement ordering an immediate 75 percent cutback in new federal construction. In view of Agnew's intervention, he temporized about federal grants to states, urging state and local governments "to follow the example of the Federal Government by cutting back temporarily on their own construction plans." He warned that he himself would reduce federal grants an undetermined amount "if the response proves insufficient," but even in that event, said the President, "the states and localities will, of course, be given due notice, so that they can adjust their affairs properly." Predictably, the state and municipalities did not heed the President's admonition; predictably, the President did not make good on his threat, even with the Agnew formla included. So ended still another effort by Arthur Burns for a drastic slowdown in federal spending.

Even before that defeat, however, Burns concluded that this Administration was not going to curb federal spending enough to hold down inflationary pressures. By August, he had come to believe something else was necessary, and that something else was an incomes policy—a return to wage-price guideposts rejected by Nixon on January 27. Throughout his career as an economist, Burns, like most conservatives, had opposed the concept of an incomes policy. He firmly believed that mandatory government controls on wages and prices were incompatible with a free society and that an incomes policy was but a way station to controls. In the late summer of 1969, however, Burns was changing his mind. He noted that an incomes policy had been instituted in Canada, the Netherlands, and the United States (the Kennedy era guideposts), and had not been followed by controls. For Burns, at age sixty-four popularly considered one of the most doctrinaire conservatives in the Administration, to have abandoned his position reflects just how anxious he felt. Burns had allied with him a good part of the Cabinet concerned with economic policy: Kennedy, Romney, Volpe, Postmaster General Blount, but not McCracken or the rest of the Council of Economic Advisers. And, most important, not the President.

In an October 17 radio address to the nation on inflation, the President rejected an incomes policy, rejected any substantial change in his economic game plan, and rejected any suggestion of failure. "We are not going to change our game plan at the end of the first quarter of the game, particularly at a time that we feel we are ahead," he said. Recalling yet again his experience with the OPA in World War II ("rationing, black markets, regimentation"), he rejected not only direct controls but the guideposts that Burns had been urging on him—describing guideposts as "putting the government into the business of telling the workingman how much he should charge for his services or how much the businessman should charge for his goods." The President's dogmatism on the wage-price question had not been diluted by nine months of failure. He even reiterated his objection to jawboning: "Instead of relying on our jawbone, we have put some backbone in government's determination to hold the line for the consumer." In fact, however, he did engage in a very benign form of jawboning. Pledging that the government would stick to a strict anti-inflationary policy, Nixon asserted that "by responding to the changed conditions," labor and management "will be following their self-interest and helping the national interest as well." This was a perceptible departure from his January 27 implication that labor and management had no stake in the national welfare, but it was far from what Burns wanted.

Even that minimum of jawboning was forgotten little more than a month later. On November 27, the Administration assembled some 1600 top-rank American business leaders to hear Nixon and his economic team give an off-the-record briefing at Washington's Sheraton Park Hotel. Not a word urging price restraint came from the President or anybody else. It was the same old line: The government means business about curbing inflation. "Those who bet on inflation will lose their bets, but those who bet on a cooling off will win, because we're committed," said the President.

There was one attempted change in the game plan in the closing months of 1969. In August, just when Burns was changing his mind about an incomes policy, a campaign against the tight-money policy of the Federal Reserve Board was being waged by an influential Republican economist outside the government: Professor Milton Friedman of the University of Chicago. In his column in *Newsweek*, in discussions with key figures in the Administration, and even in one telephone conversation with William McChesney Martin, Friedman argued that the Federal Reserve had now kept the money supply choked off for so long that further restrictions threatened a severe recession. Friedman's arguments made no impact on Martin or other members of the Quadriad, but he did pick up one influential disciple, George Shultz, Friedman's former colleague at Chicago and now a rising figure in the Administration. Shultz took the view that Friedman had studied the money supply with greater care and perception than anybody in the Administration had and deserved to be listened to. After taking this line in private conversations through the early autumn, Shultz surfaced with it in Nixon's presence at a mid-October meeting of the Cabinet Committee on Economic Policy.

There was no immediate support for Shultz at that meeting, but it was not long in coming. By November, McCracken believed the tight-money policy must be ended (though, for public consumption, he denied it lest he give the impression the Administration was backing away from the fight against inflation). In a meeting of the Quadriad, McCracken asked William McChesney Martin what the prospects were for loosening the money screws. Martin, scheduled to be replaced on January 31 by Burns, was unresponsive. But the Federal Reserve did switch to a less restrictive policy late in the year—far too late in the opinion of many economists.

Thus, 1969 ended with the President's economic game plan disintegrating, his advisers split, and the economy failing. By year's end, the value of the 1957–1959 dollar had slipped from 81.1 cents when Nixon took power to 76.7 cents. And though inflation was not curbed, unemployment was rising fast, and a recession loomed. Yet there was no sense of crisis in the Oval Office. Buoyed by his continued high popularity, by his successes abroad, and by scattered off-year Republican election victories, Richard Nixon could not focus on the specter of economic crisis conforming him. Economic policy continued to be made in a casual manner with little regard for consequences. The tax bill he signed to end the year on December 30 was proof enough of that.

When Nixon early in 1969 joined the swelling demand for tax reform, there was little thought of economic consequences. Tax reform concerned equity. It was not part of the fight against inflation. Yet in pursuing tax reform, the Administration could not avoid making vitally important economic decisions. But instead of approaching this task judiciously, it made these decisions in slapdash fashion, with rueful consequences. What happened is another story, but in the end, at a time when Nixon was trying his best to fight inflation and avoid recession, he had signed a bill that was *both* inflationary (because it increased personal exemptions, and thus deficit spending) and recessionary (because it repealed the investment tax credit first sponsored by President Kennedy in 1962). This had happened because the President's economic team concentrated on the economic aspects of tax reform only belatedly, and then in a haphazard manner that proved totally ineffective. Throughout the late summer and autumn when the Democratic Congress was transmuting tax reform into tax relief, the President was remote from the struggle, ineffective and irresolute. Then came his unfulfilled threat to veto an out-of-balance tax bill. By allowing his bluff to be called, the President had suffered a loss of prestige almost as great as he would have if Congress had overridden one of his vetoes.

On the evening of January 30, 1970, Richard Nixon's first press conference of the new year was opened by Douglas B. Cornell of the Associated Press, whose question graphically revealed how much the economic outlook had changed in the month since the President had signed the tax bill:

Mr. President, for several days I have been collecting some headlines that sort of point up the question I would like to put to you. . . .

'Big firms' 1969 profits down.' 'Dow average

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hits new low for three years.' 'GNP rise halted.' 'Ford joins GM and Chrysler in work cutbacks.' 'Wholesale prices show sharp rise.' 'U.S. Steel will raise sheet prices February 1.'

The question is: how, sir, do you assess the possibility that we may be in for perhaps the worst possible sort of economic conditions—inflation and a recession?

Indeed, key economic indicators—industrial production, personal income, business sales, real Gross National Product—were down. So was the slumping stock market. Unemployment was on the rise. But at the same time, interest rates and prices continued to climb. Dr. Walter Heller, chairman of the Council of Economic Advisers in Kennedy-Johnson days, had a name for this combination of bad economic news never before experienced in America: Nixonomics.

McCracken, Kennedy, and Treasury Undersecretary Dr. Charls Walker, who spent 1969 promising that an end to inflation was just around the corner, now not only reiterated those promises but pledged as well that there would be no recession—their credibility undermined by every unfulfilled promise. Nixon joined the parade of sunshine talkers. In answer to Cornell's press-conference question, he said:

"Our policies have been planned to avoid a recession. I do expect that the present rate of inflation, which was less in the second half of 1969 than in the first half, will continue to decline and that we will be able to control inflation without recession."

Specifically, the President promised that three days later, he would offer a bare-bones budget for the fiscal year ending July 1, 1971. The new budget, he promised, "will be a major blow in stopping the inflation psychology." That budget, in fact, was a much more serious attempt at austerity than his first one a year earlier, and that represented a major, though temporary, victory for Arthur Burns.

Late in December, 1969, Budget Director Mayo had reported to the President at San Clemente that there was no possible way to cut expenditures deeply enough to balance the new budget. But there simply had to be a balanced budget. Everybody in the Administration now agreed with Milton Friedman that the Federal Reserve Board's tight-money policy must be loosened or the economy would strangle. But Dr. Burns, who would replace William McChesney Martin as chairman at the Federal Reserve on January 31, had made clear he could not countenance an easier monetary policy unless *fiscal* policy were tight—that is, at the bare minimum, a balanced budget. With Mayo pleading inability to cut expenditures enough, new revenue would be needed for a balance. The Treasury came up with a $4.5 billion painless tax package: a speedup in estate- and gift-tax collections and higher excises on liquor, tobacco, and gasoline. Nixon promptly bought the package.

But not Arthur Burns. To make fiscal policy properly tight enough was not only a matter of a balanced budget but of a *properly* balanced budget, he told the President, and not a budget balanced through some patchwork tax gimmicks. The implication was clear. There would be no easing of policy at the Federal Reserve unless the last drop of blood was squeezed out of expenditures. Nixon had already made up his mind to go the Burns route when he returned to Washington from San Clemente in time for a January 13 meeting of the Cabinet. Although it lasted three and one-half hours, it was a *pro forma* affair. Mayo pleaded that the budget was uncuttable, supported by Kennedy. Burns's position was voiced with great passion by his usual acolyte, George Romney, who exhorted his colleagues to cut even deeper into their own budgets and capped his plea by an astonishing sermon calling on all members of the Cabinet, *and* the President, to take a 25 percent pay cut. "This is going to make me as popular as a skunk at a Sunday school picnic," he said, and he was right.[7] Soon after the meeting, Nixon ordered anguished department heads to make still greater cuts to achieve a Burns-style balance. When the budget was sent to Congress on February 2, it called for a $1.3 billion surplus.

Arthur Burns had demonstrated that, blessed with the massive power of the Federal Reserve System, he now had leverage with the President that he never had as Counselor. But the victory was one year too late. Nixon, Burns, and everybody else sitting around the Cabinet table on January 13 refused to face the grim reality that there was no possible way to balance the budget, either the Mayo-Kennedy way or the Burns-Romney way. The economic rot of recession was at so advanced a stage that tax receipts were already falling precipitately, which explained why the fat $5.6 billion budget surplus projected by Nixon in his first budget for the year ending July 1, 1970, had disappeared and would end up as a $2.8 billion deficit. As for the 1971 budget, the $1.3 billion surplus bullied through by Burns never had a chance. The recession-induced loss of revenue would, instead, create a deficit to rival Lyndon Johnson's worst.

The President would not admit it, but the game plan was dead. Even before Burns formally replaced Martin, the tight-money policy at the Federal Reserve was quietly abandoned; Burns in charge made sure that the badly needed money kept flowing into the banking system. By early spring, it was obvious that a massive budget deficit, in excess of $15 billion, was in the works (though Administration officials still piously denied it). If a recession loomed and neither the Federal Reserve nor the budget was now being used to fight inflation, what could be done? More and more, Nixon's economic team was doing what would have been inconceivable a year earlier—looking hard at an incomes policy.

Burns's move to the Federal Reserve Board had not stopped him from lobbying for an incomes policy, vigorously supported by Romney. By May, the combination of rising unemployment and rising inflation led to a desperate attempt to change the game plan toward adopting a modest incomes policy. The President had decided to deliver an address to the nation on the economy in mid-June, and this could be the vehicle for a major turn in policy.

Arthur Burns led off the campaign on May 19 with a major policy speech to the American Bankers Association's Monetary Conference in Hot Springs, Virginia, urging a form of voluntary controls as the only way to fight inflation without risking "a very serious business recession." Second- and third-level officials of the Treasury and the Budget Bureau, meeting with their counterparts from the Council of Economic Advisers (in groups called Troika II and Troika III), began pressing for an incomes policy. On May 28, Dr. Walker went on NBC's *Today* show to say he saw "merit" in a bill by Senator Jacob Javits of New York that would instruct the Council of Economic Advisers to analyze and publicize wage and price decisions to spotlight inflationary increases—the rudimentary start of an incomes policy.

On June 5, Maurice Mann, a professional economist and political independent who had been recruited by Mayo from the Federal Reserve Bank of Cleveland to become Assistant Budget Director, addressed a Washington meeting of the Rural Electric Cooperative Association and brought out what was happening inside the Administration. Speaking without notes, Mann described the government economists as divided into two camps—one camp for continued tight fiscal and monetary policy, the other camp for attacking inflation with an incomes policy because the present policy was "an abysmal failure." Mann left no doubt he was in the second group. Not until he had finished speaking did he realize that a reporter, Murray Seeger of the Los Angeles *Times*, was present.

Hobart Rowen, business and financial editor of the Washington *Post*, read Seeger's story on the Los Angeles *Times* news wire and cornered Mann two days later at the District of Columbia Bankers Association's annual convention in Hot Springs, Virginia. Mann then clearly told Rowen what no Administration official had dared admit up to that point: the Nixon game plan had slowed down the economy without stopping inflation, and "an additional step"—that is, a moderate incomes policy—would be helpful.

To the outside world, all this sound and fury surely was a preliminary barrage preparing everyone for a radical shift, to be revealed in the mid-June speech. But the outside world little knew how the Nixon Administration functioned. In fact, most of the agitation for an incomes policy came from second-echelon officials at the Treasury and Budget Bureau operating without the sanction of their bosses. Walker endorsed the Javits bill without telling Kennedy; Mann did not have Mayo's backing when he publicly endorsed an incomes policy (in fact, his knuckles were later rapped in a telephone call from White House aide Peter Flanigan).

Among officials with direct access to the President, only Burns favored an incomes policy, and he made no progress in early May when he again proposed voluntary controls to the President. Kennedy and Mayo were passive and seemingly uninterested in the entire debate. Paul McCracken publicly denounced Burns's initiative. He admitted privately it might have merit but protested vigorously that the Council was not equipped to oversee wage-price decisions as envisioned in the Javits bill. If Nixon needed any further justification for opposing Burns, it came from Secretary of Labor George Shultz. By the spring of 1970, Shultz's unsmiling, slightly intimidating manner had made him a force to reckon with. Now the Secretary turned his new influence with the President against an incomes policy. It would not work, he argued, and besides that, it would lead to shameful abandonment of the game plan by tending to justify a reckless binge of deficit spending. Indeed, Shultz told Nixon, the Hot Springs speech by Burns advocating an incomes policy was inflationary in itself. It would impel businessmen to raise prices quickly *before* an incomes policy was instituted.

With that lineup, the final draft of the speech handed Nixon for his final editing and rewriting did not contain anything that even went so far in the direction of an incomes policy as the very mild Javits bill. A baby step was the announcement of periodic Inflation Alerts to be issued by the Council of Economic Advisers "to call attention to outstanding cases of price or wage increase"—in other words, jawboning *after* the fact.[8] It was a slight departure from total laissez-faire on wages and prices but a bitter disappointment for many who had hoped for a major departure. In his speech to the nation over radio and television at noon on June 17, the President once again indulged his deeply felt bias against government interference in wage-price decisions in prose unmistakably his own.

"Now, I realize that there are some people who get satisfaction out of seeing an individual businessman or labor leader called on the carpet and browbeaten by Government officials. But we cannot protect the value of the dollar by passing the buck. That sort of grandstanding distracts attention from the real cause of inflation and it can be a dangerous misuse of the power of Government."

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Footnotes at end of article.

It was as if the past eighteen months of deepening failure had not occurred, as if Arthur Burns had not made serious proposals that had nothing to do with "browbeating" anybody or "grandstanding," as if serious economists in his own Administration were not turning toward an incomes policy. Never did the failure of communication between the President and the experts in his own Administration come through more clearly.

A few days before that speech, the President took a step that further militated against an incomes policy in the foreseeable future.

In December 1969, Nixon had briefed Robert Mayo on the details of a major reorganization of the Executive Office of the President, not to be publicly disclosed until the next spring, that would transform the Bureau of the Budget into a new Office of Management and Budget (OMB), with greatly enhanced authority for managing the entire federal government. In one of those countless misunderstandings, derived from Nixon's often oblique manner of conversation, Mayo got the idea that the job would be his. In fact, however, the President had no intention of giving a post of such vast and pervasive power to a man with whom he had little rapport and in whom he had no great confidence. But he said nothing of this to Mayo. Mayo did not learn the President's real frame of mind until he received a telephone call from a White House aide on June 8, 1970. The aide bluntly informed Mayo that the President on June 10 would name George Shultz as director of OMB, with Mayo shunted off with the title of Counselor (retaining Cabinet rank), obviously a way station while he found other employment.[9] There was no telephone call from Nixon himself.

The humiliation of Robert Mayo was transcended by the elevation of George Shultz. Having managed to impress the President and shape his policies while operating from the bureaucratic backwater of the Labor Department, he now had unlimited possibilities functioning from the White House as general manager for the entire federal government. Replacing Mayo on the Quadriad, he would become the dominant force whose influence would far eclipse that of McCracken, Kennedy, and Burns. Behind his back, some of the government's top economists belittled Shultz, describing him as an academic proficient in the study of wage structuring but not in macroeconomics. They questioned his competence to be the President's most influential adviser on what had become his most serious domestic problem. But that Shultz *was* his most influential economic adviser could be denied by nobody. In terms of mid-1970, that meant an end to any immediate hopes for a meaningful incomes policy, because Shultz's doctrinaire opposition to it would only reinforce Nixon's emotional bias against it. Maurice Mann, one of the most forceful advocates of an incomes policy, quickly perceived the incompatibility of his own economic views and Shultz's, and quietly left the Budget Bureau and the government. Walker and other Treasury officials pushing for an incomes policy went underground. At the Federal Reserve, Arthur Burns bided his time.

Through the summer and autumn of 1970, inflation and recession worsened together to stunt hopes for significant Republican gains in November. By summer, nothing could be done in time for that year's elections about either inflation or recession. In all fairness to Nixon and his economic advisers, they had inherited from Lyndon Johnson a raging inflation that might have persisted against any proposed remedy, including an incomes policy. Nor was the intensity of the recession wholly attributable to the Nixon game plan: the United Auto Workers struck the General Motors Corporation on September 14, closing plants for the rest of the year and deepening economic distress.

Yet, pervading all the bad luck was a certain thoughtless separation between dream and reality.

In November 5, 1970, two days after the congressional elections, signals began pouring out of the President's Council of Economic Advisers that a change in the economic game plan was in order. "Economic policy like other [policies] has to be responsive to the national will," said Paul McCracken, chairman of the Council. Two days later, another member of the Council, Herbert Stein, flatly predicted a return to full employment by mid-1972. What the Council members were proposing was clear enough: a switch to an expansionary economic policy to fight the recession and give up the struggle against inflation. That would be an attack on one of the two serpent heads of Nixonomics—the one that had caused by far the most damage in the just completed election. Republican politicians who had suffered badly in 1970 and feared even worse for 1972 were pleading for an all-out attack on the recession.

At the Treasury, Secretary Kennedy and Undersecretary Walker were appalled. They argued privately that victory over inflation was in sight if only the government did not panic by throwing more fuel on the fire. After all, the Treasury men reasoned, the recession that had been induced in a so far unsuccessful effort to slow down inflation had already done its damage to the President and the party. Why make the switch now *after* the election losses? There would be enough time to step up the economy, if need be, before the 1972 election. That line only showed how out of touch with the White House David Kennedy had become. For in fact, McCracken and Stein were reflecting Richard Nixon's views. These had hardened long before the election, but the President had kept silent about them.

In part, the change was due to the growing influence of George Shultz, who had taken over as director of the newly reorganized Office of Management and Budget on July 1. A clue to the revised standings in relative power at the White House came in late summer during a visit to Nixon by Senator Robert Dole of Kansas. Dole expressed chagrin at his inability to contact Presidential Counsel John Ehrlichman and told Nixon he would like to meet him some day. *"Ehrlichman?"* retorted the President. "Don't worry about him." Then, picking up his telephone, he said: "I'll put you in touch with somebody who *really* counts: George Shultz."

As one who really counted, Shultz was able to implant his economic views on Nixon as nobody else had in the first two years of the Nixon Administration. By November, 1970, Shultz had convinced Nixon of the worth of these economic views:

*Full-Employment Budget:* An old proposal by liberal economists for the past generation, it envisioned the budget being balanced when expenditures were no higher than revenue would be *if* there were full employment (that is, unemployment no higher than about 4 percent). Thus, with unemployment well over 6 percent, the President could claim a budget balanced on the full-employment theory, even though, in fact, there would be a substantial budget deficit—sheer heresy for a conservative Republican.

*Money-Supply Expansion:* As a doctrinaire exponent of Professor Milton Friedman's theories, Shultz wanted the money supply expanded at a steady rate and at a faster rate than the Federal Reserve Board under Arthur Burn's leadership was approving.

*Incomes Policy:* In a slight break with Nixon's iron opposition to any incomes policy of significance, Shultz was advocating an attempt to hold down prices and wages by withdrawing artificial government supports—such as import quotas and labor union privileges—but in no other way. That meant continued opposition to Burns's proposal for a return to wage-price guideposts.

Long before election day, Nixon was committed to an expansionary policy that would run a considerable deficit, saying nothing about it only because of his adamant political position that conceding that anything at all was wrong with the economy would be playing into Democratic hands. The Treasury's post-election opposition crumpled quickly.

But the Nixon-Shultz plans for money-supply expansion and incomes policy ran into trouble from Arthur Burns, who had recommended George Shultz as Secretary of Labor but felt him inadequate as an economist to be grand designer of the nation's economic policy. On the morning of November 20 in a meeting at the White House, Nixon, reflecting Shultz's viewpoint, urged Burns to expand the money supply at a faster rate. In response, Burns reiterated his old position that some incomes policy, some government restraint on wages and prices, was necessary. As a specific example, he urged presidential suspension of the Davis-Bacon Act, ensuring that construction workers on federal projects get the high prevailing union wage rates. That suspension would be a big stick to pressure the building trades unions to hold down their inflationary wage settlements.

In the early months of 1971, Nixon edged ever so cautiously closer to a working incomes policy. He forced a partial rollback of a Bethlehem Steel price increase by threatening to end the import quota on foreign steel, a withdrawal of artificial government aid that would have fallen within the boundaries of Shultz's doctrinal approval. Nixon finally did suspend Davis-Bacon after first weighing a flat freeze on construction-industry wages and prices proposed by James Hodgson—Shultz's hand-picked successor as Secretary of Labor—but opposed by Shultz. This ended Nixon's adamant opposition through his first two years as President to intervention in wage-price decisions but was nowhere near a full-scale policy to hold down wages and prices on a systematic basis.

The question posed nearly two years earlier, whether Richard Nixon would rather fight inflation than be elected to a second term, was now being answered. While defending the battered old game plan and declaring that "the worst of inflation is over," the President was really abandoning the game plan and saying that inflation was far the lesser evil when compared with recession. The way in which the fight against inflation was being placed in a secondary position became clear when the budget for the year ending July 1, 1972, was submitted to Congress on January 29, 1971. The deficit was calculated at $11.6 billion (under the full-employment budget concept, it would have brought a surplus of $100 million had the country been at full employment, said the President). But this was based on revenue generated by an economy at the level of a $1065 billion Gross National Product—a ludicrously high figure, in the opinion of most economists. In truth, everybody was sure that the deficit would be around $20 billion, producing some $40 billion in red-ink spending for two years, with the budget running wild, out of control, for the years ahead. That was the true extent of the game plan's abandonment.

Equally important as this switch to an expansionary policy in its implications for the future was a change of vast importance in Nixon's economic team made just after the election. The President determined that David Kennedy's disappointing tenure at the Treasury had to come to an end. Kennedy, scarcely a Hickel or a Romney in his self-effacing manner, was happy enough to leave a post that had become increasingly unpleasant. To replace him, Nixon wanted somebody who could dynamically and actively sell his new, expansive economic program (along with his new legislative proposals) to the press, the Congress, the business community, and the nation. Dr. Charles Walker, who in two years had performed most of Kennedy's

duties in dealing with Congress and the press, fit that description perfectly and was eager for the advancement. But the tax reform fight had left bad blood between Walker and White House aides John Ehrlichman and Peter Flanigan, who successfully convinced Nixon that Walker would be a mistake. They wanted a prominent bank president from Wall Street or the West Coast. But after the David Kennedy experience, the President was wary of bankers. Besides, with his love for novelty, and furnished by the premature detonation of the bombshell he had hoped to set off by making Patrick Moynihan ambassador to the United Nations, Nixon wanted a surprise that would stun Washington and, perhaps, energize his drowsy Administration for the two years ahead.

John B. Connally's performance on the Ash Council on Government Reorganization impressed the President. Like John Mitchell, Connally has the imperious air of authority, self-possession, and masterfulness that Nixon lacks, and therefore so admires in others. Soon after the 1970 election, the President began commenting to close aides about Connally and asking their opinion of him. But nobody faintly guessed that the President was thinking about the Treasury. After ten days and three meetings, Connally, who first refused the job, finally said yes. On December 14, Nixon had his stunning surprise.

From Nixon's standpoint it made sense. He finally had a Democrat in the Cabinet, albeit a very conservative Democrat who for the past decade had led the Tory wing of the Texas Democratic Party. Texas Republicans gasped at the betrayal by Nixon in bestowing this honor on their great enemy, but Connally's presence in the Nixon Administration could only help the President's chances to carry Texas in 1972, which might be vital to his re-election. He added strength to a Cabinet that was weak and would become weaker when Mitchell resigned to become campaign manager for 1972. And here was a Stetson-wearing supersalesman who could make Nixon's economic-progress game plan plausible to the nation. The only drawback was John Connally's lack of qualification to be Secretary of the Treasury. An able lawyer, businessman, and politician, he had no familiarity with fiscal and monetary affairs. But that was scarcely relevant; there had not for a long time been a Secretary better qualified than David Kennedy, and look what happened to him.

In the spring of 1971, nobody could be sure whether the mistakes of 1969 and 1970 would cost Richard Nixon a second term. Despite all the heavy deficit spending, unemployment remained over 6 percent in early May and the business recovery was sluggish. Not even optimists felt that unemployment would fall below 5 percent before election day, 1972. The best news was the economic consensus that 1972 would be a pretty good year, though how good was a matter of sharp debate. The Davis-Bacon suspension was called off in return for construction labor's agreement to negotiate limits on wage increases, perhaps the thin end of a wedge on the incomes policy that Nixon had resisted for so long. The rate of inflation had slowed, but not noticeably so in the opinion of the consumer (the 1957–59 dollar now having dropped in value to 71.8 cents compared with 81.1 cents when Nixon took office). At the Federal Reserve, Arthur Burns was being forced to slow down the rate of money expansion with the attendant danger of boosting interest rates and slowing down the recovery. It was a mixed picture, better than the previous dreary autumn but not as good as it could be.

Nor were the personal power relationships clear. Connally was now the only noneconomist, the only businessman, and the only politician on a Quadriad of strong men, joining economists Shultz, Burns, and McCracken. Unlike them, his mind was open on almost all economic questions. (Arthur Burns confided to friends that he thought Connally was "educable.") How he would act in crisis was anybody's guess. He sided with Burns and against McCracken and Shultz in being willing to propose personal tax reductions and a reinstatement of the business investment tax credit if necessary to stimulate the economy. In late April, Connally sharply criticized a prime-interest-rate increase by the nation's banks while it was being defended by McCracken. But he was so concerned with emergency assignments (such as the controversial plan to bail out the beleaguered Lockheed Corporation) that his overall power position was uncertain. His strength against Shultz had not really been tested. Nevertheless, with his direct access to the President assured, the certainty was that he would act and act unfettered by doctrine. That would be something new in President Nixon's management of the economy.

FOOTNOTES

[1] In an eloquent passage in *The Making of the President: 1968*, White gave his own views of inflation: "As in other inflations I have lived through, notably those in China during the war, and Germany and France after the war, the beginning ravages are almost unnoticeable, indeed, pleasant. As inflation continues, however, it changes moralities, it destroys reason itself. Prosperity opens opportunities; inflation urges haste in using them. Not saving, but shrewd spending becomes the mark of wisdom in planning; the 'operators,' not the creators, thrive. It divides those who can manipulate from those locked into fixed incomes who see their resources dwindling and their savings shrinking, who are helpless to recapture their share of rising well-being. Above all, it victimizes the poor, the old and those who have planned ahead. Inflation is, at the beginning, a technical problem of public finance—and in the end raises problems of morality, of the disciplining of indulgences artificially incubated by the disappearance of values."

[2] The Quadriad consists of the four top economic officials of the government: the chairman of the Federal Reserve Board, the Secretary of the Treasury, the director of the Bureau of the Budget, and the chairman of the President's Council of Economic Advisers. The Troika consists of the three top economic officials of the Administration: the Quadriad less the chairman of the Federal Reserve Board, an independent official serving a fixed term and not a member of the Administration.

[3] This euphoric mood of high incomes and quick profits made it difficult for Nixon's talent scouts to lure young business executives to middle-level government jobs after the 1968 election. "The money tree is running in New York, and the young fellows want to tap it rather than come down to Washington," said one such talent scout.

[4] Actually, the size of the surplus was exaggerated by a new accounting method (recommended by a citizens' commission headed by David Kennedy) that had taken effect on January 1, 1968, and for the first time counted Social Security trust funds as part of the budgetary picture. For example, Johnson's calamitous $28.1 billion deficit would have been $25.1 under the new system.

[5] In the same speech, Kennedy warned that wage and price controls might be used as the ultimate weapon to curb inflation if all else failed. Since Nixon had unequivocally ruled out such controls, the White House was not pleased with Kennedy's attempt to dramatize the Administration's concern with the situation.

[6] The six-month reprieve scarcely blunted the fury of the governors at Colorado Springs. Typical was the reaction of Governor Tom McCall of Oregon, a Republican, who said he was "horrified" by the cutback, then added: "It would stop inflation, but it might also stop the economy in its tracks."

[7] Romney voluntarily took the 25 percent pay reduction though no other Cabinet member followed his example. On May 20, his wife, Lenore, told the Detroit press that it had resulted in some penny-pinching: "We don't take vacations, we don't have a maid and George helps me with the dishes."

[8] McCracken issued the first Inflation Alert on August 8, 1970, a 123-page document describing wage increases in the trucking and construction industries and price increases for cigarettes, rubber, and electric power as contributing to the cost of living. Its impact on public opinion was invisible.

[9] This now made four Cabinet-rank Counselors at the White House with no duties or responsibilities: Bryce Harlow, Moynihan, Robert Finch, and Mayo. However, on July 18, Mayo announced he was resigning to become president of the Federal Reserve Bank of Chicago.

## PROPOSED LOCATION IN MONTANA OF SITE FOR SPACE SHUTTLE PROGRAM

### HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 23, 1971*

Mr. METCALF. Mr. President, I take this means to invite the attention of Senators to the resolution passed by the senate of the Montana State Legislature, currently in its second extraordinary session, urging the location in Montana of the site for the space shuttle program.

The resolution reflects the interest of the people of Montana in this matter and their willingness to be of all possible assistance should the National Aeronautics and Space Administration elect to place the program in our State.

I ask unanimous consent that the resolution be printed in the RECORD.

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

RESOLUTION URGING NASA TO CONSIDER MONTANA FOR THE SITE OF THE SPACE SHUTTLE PROGRAM

Whereas, the National Aeronautics and Space Administration is currently seeking sites in which to locate its space shuttle program, and

Whereas, the future site for the space shuttle program requires a "buffer zone" because of the liftoff noise of the rockets involved, and

Whereas, Montana has an abundance of land available for such a program, and

Whereas, Montana is low in population density and can offer land with a substantial "buffer zone", and

Whereas, Montana has an adequate and qualified work force with which to staff the space shuttle program, and to educate the children of the families involved in the space shuttle program, and

Whereas, there are untapped natural resources in Montana which may be utilized in developing the space shuttle program, and

Whereas, the clean air and water and the general environment of Montana make it an ideal place to live and work, and

Whereas, Montana has an adequate transportation system to insure development of the space shuttle program, now, therefore, be it

*Resolved* by the Senate of the State of Montana: That the National Aeronautics and Space Administration consider the state of Montana as the site for the space shuttle program. Be it further

*Resolved,* That this legislative body hereby pledges all possible aid and assistance that the state of Montana has at its disposal to assist the National Aeronautics and Space Administration and the Montana communities that may be involved in providing for essential public facilities and services. Be it further

*Resolved,* That the secretary of the senate send copies of this resolution to Mr. James C. Fletcher, Administrator, National Aeronautics and Space Administration, Washington, D.C., Mr. Gerald P. Gaffney, Coordinator, Space Shuttle Facilities Groups, National Aeronautics and Space Administration, Washington, D.C., the Honorable Mike Mansfield and Lee Metcalf, Senators from the state of Montana, the Honorable John Melcher and Richard Shoup, Congressmen from the state of Montana, and the Honorable Forrest H. Anderson, Governor of the state of Montana.

## ONE HUNDRED PERCENT GRADUATION FROM BASIC TRAINING HONORED AT FORT DIX, N.J.

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. HUNT. Mr. Speaker, I recently had the privilege of addressing a basic trainee graduation ceremony at Fort Dix, N.J., at the invitation of the commanding general, Maj. Gen. Howard H. Cooksey.

It was thrilling for me to witness the pride that is reflected in these ceremonies and I have every confidence that these young men will go on to fulfill their military obligations with honor, many with distinction.

Among the many honors that are recognized in these ceremonies is the unit that has 100 percent graduation. Honored at the ceremonies on June 4 was Company C, 4th Battalion, 3d Basic Combat Training Brigade which graduated every basic trainee who began training with the company. To the knowledge of the officials at Fort Dix, no company there has ever achieved this goal prior to this time.

To qualify for this distinction, a basic training company, with an average strength of 200 young men between the ages of 19 to 21 years, must qualify every individual in all subjects conducted during the 8-week training period. Furthermore, there must be no unauthorized absences nor serious disciplinary infractions. Only strong motivation and a sense of pride in individual accomplishment could bring about this result. This pride, spirit, and determination are being displayed each day at Fort Dix and other basic training centers throughout the Army.

Of course, the 100-percent qualification in all areas of training also reflects outstanding leadership, understanding and motivation on the part of the cadre. Capt. Hoyle E. Dake, Jr., the company commander, is from Kingston, Tenn., and is a graduate of Tennessee Technological University at Cookeville. He pointed out that the trainees' strong desire to excel was an important factor in reaching this goal.

In addition, credit must be given to First Lt. Guido P. Torsani and First Lt. Robert D. Rennich, training officers for the company, and to all other members of the company's cadre.

The leadership and abilities of the senior noncommissioned officers of the company also played a strong role in this success. Many years of experience and know-how can be found in the service records of Platoon Sgts. Willie M. Boggan and Dan Mathis, Jr., S. Sgts. Henry C. Foster, Theodore J. Sapp, Gerald A. Palmer, and Edgar F. Williams.

The basic trainees who achieved 100 percent graduation for their company are to be congratulated as are those personnel mentioned above who were responsible for their training.

It was also my privilege to present at these ceremonies the American Spirit Honor Medal and Citation to Pfc. Thomas L. Rectenwald.

This national award is presented to the top trainee of the more than 1,000 young men who complete basic training each week at Fort Dix. Selection for this award is based on leadership, initiative, character, military appearance, aptitude and intelligence, and the training record achieved during the 8-week training program. Selection is made by a board of officers and key noncommissioned officers representing the training brigades.

The American Spirit Honor Medal and Citation is sponsored by the Citizens Committee for the Army, Navy, and Air Force. It is intended to recognize "the display of outstanding qualities of leadership best expressing the American spirit, honor, initiative, loyalty, and high example to comrades in arms."

Pfc. Thomas L. Rectenwald, the recipient of this award on June 4, is an outstanding young American, age 23, of Erie, Pa. He attended the State University of New York at Buffalo, N.Y., and was graduated in 1970 with a bachelor of science degree in pharmacy. He enlisted in the Army for a period of 3 years and is currently undergoing advanced individual training at Fort Sam Houston, Tex. A licensed pharmacist, he is now in the process of applying for a direct commission as an officer in the U.S. Army.

These examples of outstanding accomplishment not only reflect the quality of individuals who are entering the service, but they attest to the strong leadership and ability of General Cooksey and others under his command at Fort Dix who have developed such a fine basic training program of which the Army can be proud.

## PIEDMONT AIRLINES FIRST TO ORDER NEW COLLISION-AVOIDANCE EQUIPMENT

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 23, 1971*

Mr. RANDOLPH. Mr. President, the American scientific community and our Nation's airlines are engaged in a continuing search for ways to make air travel safer. New equipment and procedures have been developed in recent years to add to the already enviable safety record of air carriers in the United States. I am confident that further advances will be made.

Piedmont Airlines, which includes Washington, D.C., and six West Virginia cities in its system, has become the first scheduled air carrier to order collision-avoidance equipment for its aircraft. Equipment testing in Piedmont planes will begin next year, and delivery of production equipment is scheduled for 1973.

The development of a reliable collision-avoidance system has been a major need to improve aircraft safety. I am encouraged by the development by McDonnell-Douglas of the equipment ordered by Piedmont, and by the action of this progressive airline in being the first to place it in use.

Mr. President, the Evening Star of June 11, 1971, published an article discussing the new equipment and the decision of Piedmont Airlines to begin using it in its planes. The question of aircraft safety is of such widespread concern that I ask unanimous consent that this article be printed in the RECORD.

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

PIEDMONT IS FIRST TO SIGN FOR SAFETY SYSTEM FOR PILOTS

(By Charles Yarbrough)

Piedmont Airlines, Inc., has become the first United States carrier to sign for a collision-avoidance system which tells a pilot that another aircraft is in his vicinity and what maneuver might be necessary to avoid it.

Piedmont President T. H. Davis has signed a letter of intent with McDonnell Douglas for a time-frequency device labeled as EROS II. The airborne electronic system automatically transmits every three seconds, its range, closing rate with other planes and its altitude.

McDonnell Douglas says it may also be used to warn pilots of ground obstacles and as a landing aid if ground installations are provided.

FLEET OF 42

Piedmont has a fleet of 42 jet and turbo prop airliners serving Washington with 30 round trips daily.

The transaction is an advance though the way to the ultimate in the anti-collision program is a long way. Each aircraft must have the device, or some version thereof, for it to be effective.

First models of the unit are to be delivered to Piedmont in March of 1972 for certification testing in Boeing 737 jets. Production equipment delivery is scheduled between January and April of 1973.

McDonnell Douglas announced some time ago that production of the more sophisticated EROS II could start after a minimum of 500 orders. Currently, the device would cost about $50,000—a figure that would decrease with order build-up.

1972 DELIVERY

McDonnell Douglas also has developed a low-cost collision avoidance system for general aviation aircraft. Two of these units will be delivered to Piedmont in 1972 for testing with the EROS II.

During 11 years of research, the system has been tested on 15,000 flights, most of them on military aircraft operating from McDonnell Douglas headquarters in St. Louis.

The Federal Aviation Administration and the Air Transport Association ran tests out of Baltimore in 1969 on EROS II and two similar devices built by Bendix and Sierra Wilcox. A study on their compatibility with the air traffic control system is about complete at the FAA research facility in Atlantic City.

Accurate time-keeping is the heart of the concept because the system relies on measurement of time difference from the start of transmission by one aircraft to the receipt of that signal by another to determine the distance between them.

ACCURACY IS KEY

Such accuracy (within one-quarter of a millionth of a second) is assured by atomic clocks at ground stations and in some aircraft and a constant correction of less-accurate airborne clocks by signals from more-accurate time sources.

The Air Transport Association explains that "great care has been used in selecting the minimum safe time interval"—long enough to preclude the need for abrupt evasive maneuvers, yet not so long that it calls for too many maneuvers.

In level cruise, the computer-determined command to maneuver is given 30 seconds before a collision would occur.

Pilots of the collision-avoidance equipped planes get visual and aural signals, telling him, if needed, what evasion tactic to perform.

Some designs have an alert warning telling the pilot he is about to receive such a message.

## THE COLLEGE WORK-STUDY PROGRAM

### HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 23, 1971*

Mr. METCALF. Mr. President, all of us are well aware of the drastic cuts the college work-study program will suffer in many States if the Nixon administration's meager requests for fiscal year 1972 are approved by Congress. Recognizing that current administration plans call for actual cuts in work-study funds for 32 States for the coming school year, the Senate recently voted a substantial increase in work-study funds, directing that approximately $280 million be invested during the 1971–72 academic year. This is an increase of more than $85 million over the administration's projected level of funding.

I have received a resolution of the Montana State senate, now in special session. The resolution clearly explains the impact that the administration's callous actions will have on Montana's popular and highly successful work-study program and on many of Montana's young people. The resolution strongly underlines the need now, during this period of continued high unemployment, for continued senate resolve in seeing that our citizens attending college are not neglected by the administration.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

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

RESOLUTION ASKING INCREASED FEDERAL FUNDS FOR STUDENT ASSISTANCE PROGRAMS, AND SPECIFICALLY THE WORK-STUDY PROGRAM

Whereas, the work-study program was developed some six (6) years ago to provide direct effective assistance to students desiring to further their higher education and who prefer to be involved in an earn-as-you-go program rather than borrowing money which would have to be paid back at a later date, and

Whereas, this philosophy was enhanced by the possibility of providing direct benefit to the institutions themselves, and also to municipal, county, state, and federal agencies who would be eligible as potential employers, and

Whereas, Montana, recognizing the value of this program, moved quickly ahead of many other states in developing an effective overall state program involving all institutions of higher education, and

Whereas, Montana's student aid program became a model for the nation because it was organized so that all in-state students could work anywhere in the state rather than just the area of educational attendance, and

Whereas, the federal allocation for work study to schools in Montana for the period July–December, 1971, has been reduced by seventy percent (70%) from the amount allocated last year for the same period, and

Whereas, the proposed cuts will radically diminish the availability of federal student assistance for many students to continue their education in Montana, and

Whereas, if the Office of Education is admitting two hundred fifty (250) new schools to the program, six (6) years after its inception, simple justice demands that it request additional funds for such institutions and not take these funds from states and its students, such as Montana, which entered into a work study program, participating in good faith, and developed a significant state-wide cooperative program, and

Whereas, the Office of Education has undertaken a method of allocating student aid funds to institutions solely upon gross family income, which totally ignores the size of the family or any other unusual circumstance such as, unusual medical expenses, benefits already received, etc., and

Whereas, the Office of Education "solicits the widest possible public participation in its formulation of proposed changes in the method of allocation of funds under the College Work Study Program and the Educational Opportunity Grant Program", now, therefore, be it

*Resolved* by the senate of the state of Montana: That the senate of the state of Montana wholeheartedly supports substantial increases in the appropriations for student assistance programs, be it further

*Resolved,* That the senate of the state of Montana recommends that the Office of Education re-examine the proposed changes in the method of allocation of funds under the College Work Study Program and the Educational Opportunity Grant Program, be it further

*Resolved,* That all members of the Montana congressional delegation be urged to seek additional appropriations for the student assistance programs, and establish a level of aid for the state of Montana which is not less than the amount paid to Montana during the year 1970 for the year 1971 and subsequent years, be it further

*Resolved,* That the congressional delegation, with legislation and appropriations now pending congress, allay as many concerns as possible with the facts and with current plans for allocating student aid funds to institutions, be it further

*Resolved,* That the senate of the state of Montana urges the President of the United States and the Office of Education to expedite the notification to institutions of their forthcoming allocations, be it further

*Resolved,* That copies of this resolution be sent by the secretary of the senate to Richard M. Nixon, President of the United States; Mike Mansfield and Lee Metcalf, Senators from the state of Montana, Richard Shoup and John Melcher, Representatives of the state of Montana; Senator Warren Magnuson, Chairman of the Senate Appropriations Committee; Elliot Richardson, Secretary to Health, Education, and Welfare; Edith Green, Chairman of the House Education sub-committee; Forrest H. Anderson, Governor of the state of Montana; Harry E. Collins, President of the Rocky Mountain Association of Student Financial Aid Administrators.

## THE NEED FOR WITHDRAWAL FROM VIETNAM

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. ASPIN. Mr. Speaker, we have all read many expressions of opinion from our constituents and others on Vietnam. Few issues prompt more mail than our continuing involvement in the conflict. I have had many opinions on American policy there, but few have been as thoughtful as a letter I have just received from the School Sisters of St. Francis, Milwaukee, Wis. I believe that it expresses the opinion of a growing number of Americans that we must end all military operations at the earliest possible date. The letter follows:

SCHOOL SISTERS OF SAINT FRANCIS,
*Milwaukee, Wis., June 16, 1971.*

Hon. LES ASPIN,
*House Office Building,*
*Washington, D.C.*

DEAR MR. ASPIN: We agree with Archbishop Ngugen Van Binh of Saigon who called upon the Vietnamese people "to take the initiative in restoring peace." Our concern for life demands that we no longer watch in silence or in the privacy of our individual consciences. We feel we must make known our convictions, and consequently urge: 1) the total withdrawal of all American forces from Vietnam; and 2) the setting of a definite date of withdrawal, no later than December 31, 1971.

During the past two years we have watched the expansion of the Vietnam War into an Indochina War. We know the cost of this war in dollars, resources and human lives. We regret the effects of this war on domestic affairs and policy especially in the neglect of domestic problems: housing, education, poverty, pollution, in favor of defense spending. The war has polarized and divided the nation; there is a feeling of rebellion and ineffectiveness among the general public.

We do not see withdrawal as a retreat or neglect of our commitments. Rather, it is time for the Vietnamese people to make their own peace. Total withdrawal is essential because the long and slow process of unwinding the war leaves American soldiers increasingly vulnerable to attack, exposes the United States to pressures for greater military action, and risks greater entanglement. With a definite date for total withdrawal, successful negotiations for the release of U.S. prisoners and a cease-fire can begin.

Because of our concern for the dignity of life, for the quality of ALL lives involved here and abroad, for reconciliation, and for restoration of life, we urge you to act on these points immediately.

Sincerely yours,

Sister Rosalita Hurley, Sister Leonard Kreidermacher, Sister Emily Ann Stanck, Sister M. Mirabella Boehmer,

Sister M. Lancisia, Sister M. Antosetta, Sister M. Theuna, Sister M. Telesphora, Sister Eileen Ploetz, Sister Gundrada, and Sister Elisia.

Sister Augustella, Sister Bavoline, Sister Casimira, Sister Mary Anticia, Sister Agnes Mary, Sister Rosalina Weber, Sister Hyacinth Kuch, Sister M. Nominanda, Sister Alberta Karius, Sister Gertrudis Kuhns, and Sister M. Annette.

Sister M. Leomotis, Sister M. Trudberta, Sister M. Ritanella Endres, Sister M. Modestine, Sister M. Engratia, Sister M. Lauriana, Sister Cesilia Zachman, Sister M. Valencia, Sister M. Theresita, Sister Ursenda, and Sister M. Alexander.

Sister M. Lambert, Sister M. Alvernia, Sister M. Anastasius, Sister Emily Cleary, Sister M. Addasta, Sister M. Ambrosina, Sister M. Clement, Sister Louise Marie, Sister M. Ascentia, Sister M. Desponsata, Sister M. Rose, Sister M. Mathilda, and Sister Geraldine McGovern.

## WEST VIRGINIA HAS ITS PROBLEMS BUT ALSO HAS MANY BRIGHT AND REFRESHING PAGES IN ITS HISTORY


### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES


*Wednesday, June 23, 1971*

Mr. RANDOLPH. Mr. President, the problems of the State of West Virginia are numerous, but there are many bright and refreshing pages in its history. This is the thrust of a speech made recently in Elkins, W. Va., to its Rotary Club, by a veteran newspaperman of the Mountain State, Thomas F. Stafford, now clerk of the U.S. Court for the Northern District of West Virginia. I ask unanimous consent that the address be printed in the Extensions of Remarks.

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

MUST WE BE NEGATIVE?

(By Thomas F. Stafford)

Several weeks ago I ran across a news story in the Washington Post which started thus: "Poor old West Virginia. It's happened again." The story went on to say that West Virginia had lost more population in the last decade than any other state in the Union, and left the distinct impression that West Virginia was the vagrant, the impoverished relation, the bad penny among the American states.

I'll grant that West Virginia has its problems. As the Post story said, we *are* losing population. Our roads leave much to be desired. Our politics are a massive, almost constant embarrassment. And in our pursuit of a livelihood, all too many of us display little respect for the natural beauty of our hills, or the purity of our streams and air.

But there is much in which we can take pride, if we will stop smarting under the comments of others, and adopt a positive rather than a negative attitude about our state, its people, and its antecedents. Let me illustrate my point:

Back in the late 1950s, the Saturday Evening Post, then a vibrant member of the publishing industry, carried a critical appraisal of West Virginia, which was followed by others in newspapers and magazines. Also, at about that time, Senators Kennedy and Humphrey came into West Virginia to campaign for the presidency. Their campaign attracted national attention, and the things they said—which included observations about the bad state of our economy, our politics and our welfare system—likewise attracted attention. What we did in the aftermath of all this was to react negatively, and to lose our collective cool.

We ignored what one writer said—that West Virginia has some of the most beautiful women in America—and what another writer of even greater stature said about us. The latter was Theodore White, who wrote in his book, "The Making of the President," that no where in all of America is there a more friendly, courteous and sincere people than in West Virginia. This by itself should have firmed us up, and given us a new sense of pride in ourselves and those around us. But our reaction again was negative. We went right on smarting under the critical truths that were written or spoken by well-meaning outsiders, and mentally burning them in effigy from lamp posts all over the state. It made little or no difference that their criticisms led to improvements in our life style. They had committed the unpardonable sin of examining us and our institutions critically, and we responded in the conventional manner, finding fault with them in return, or crying foul. But almost invariably the response was one of offended apology.

We need make apologies to no one. Ours is the fourth richest state, minerally speaking, in this richest nation on earth, if we should want to talk of material wealth. And no where else is there a greater commitment to the American ideal than here, when the country's security is threatened. George Washington was the first to recognize this trait, when he spoke warmly of the fighting spirit of the men of West Augusta. And down through the years, West Virginia has been among the leaders in the number of young men it has sent into military service.

Speaking of commitment to the American ideal, our heritage compounds into a bright and golden page in history. When, after Fort Sumter, the southern states seceded one by one from the Union, and formed a new nation, the people of what was then western Virginia chose not to go along. As some historians still say, it might have been an illegal act on their part, their breaking away from the rest of Virginia, but they felt constrained not to compound a greater wrong. They formed a new state, because they felt America as a nation was worth saving. There are many reasons for this divisive action, not the least among them being the failure of the majority membership in the Virginia Assembly to give them their fair share of the taxes. But at this particular moment in the broad sweep of history, unity and brotherhood were the over-riding issues. The people of western Virginia could no longer support slavery, and they wanted to retain their membership in the first successful experiment in popular government on earth.

We've had our bad interludes in the early history of this country. Aaron Burr and his ill-fated attempt to overthrow the government, with Harman Biennerhassett providing the staging area near Parkersburg, stings a little. And the Whiskey Rebellion, which started in Pennsylvania in the late 1770s and spread across the Mason-Dixon Line into western Virginia, hurts also. But we should never forget that it was the mountain men of this region, along with others on the western frontier, who stood as the first line of defense against the Indians and British in the early days of the nation.

There are some in West Virginia who look on John Brown's raid at Harper's Ferry as a black chapter in history. But who can say with conviction that this paradoxical and essentially tragic man was as fanatic and misguided as he was reputed to be, when Walt Whitman composed poetry of praise about him, and Victor Hugo, from France, wrote of him as "the champion of Christ."

West Virginia has many bright and refreshing pages in its past, and none are more profound than those of the last two decades.

No state or its people stood more tall than when in the aftermath of the 1954 Supreme Court decision outlawing racial segregation in the public schools, Gov. Marland said, "We will comply." Except in isolated instances, the people did not organize a campaign of resistence. They accepted the Marland executive order in good grace, and went on to make their state the first of all the states affected by the decision to come into full compliance with its guidelines.

A few years later, the people of West Virginia said so loudly and clearly that Catholicism was no bar to the presidency, that John F. Kennedy went on to be elected to office, and said no other single action in the campaign did more to insure his victory than the primary in West Virginia. The real significance of the vote was lost in that presidential campaign. Religious prejudice was beaten into the ground, and it was the people here, in their composite judgment, who performed the burial ceremony.

And within a year after Mr. Kennedy's election, the people of West Virginia spoke again. There was very little publicity of the event, which took place at Mont Chateau State Park, but at that beautiful and picturesque facility, a group of state and federal officials gathered to hammer out a new concept for the poor, which gave able-bodied fathers on relief the dignity of work. Prior to that day, fathers sat around in abject idleness, with absolutely no purpose in life. Welfare checks were paid in the names of their children into the mothers' hands, and they, the fathers, were the excess baggage in the family unit. As a result of the Mont Chateau conference, checks were made payable into the homes of able fathers on the condition that they work. Some of the work was menial, but out of it grew jobs in private employment for many, a work and training program for those needing skills, and a welfare concept which has grown in scope and meaning in the ensuing years.

West Virginia has many causes and reasons for pride, about which I have talked only briefly. In my capacity as a newspaperman for many years I traveled a great deal, and I recall at a meeting of educators in Atlanta that the county unit school system in West Virginia was pointed to in theory as among the best in the country. At another meeting a year or so later, where the nation's governors were engaged in a frank discussion of the weaknesses and strengths of their various governments, I was surprised to learn how advanced our state government was, structurally, in comparison with so many others. For one thing, we were then a leader, and I'm sure the same situation exists today, in our method of appraising property for tax purposes. Our politics may sometimes have a bad odor, but, generally speaking, those who administer our public affairs in Charleston do a pretty fair job for us.

People laugh at us for our quaint way of speaking—saying "crick" for "creek" or "poke" for "bag"—but these are words right out of Elizabethan England.

Much of this image we bring on ourselves. We show no real inclination, when given the opportunity, to build a memorial to our patron, one of the noblest of Americans, Abraham Lincoln. But we erect statues, or name schools, hotels and roads after that hero of only regional dimensions, Stonewall Jackson. All too many of our sympathies and interests seem to be with a culture of another age and another part of America. General Jackson exemplifies this attitude. The men at Rich Mountain were more authentic heroes than the dour old professor at Virginia Military, who almost brought down a great nation with his Valley Campaign.

We have a rich heritage, a fine and proud heritage. The lands which now make up West Virginia were once the outward reaches of American civilization. Old Fields, near Moorefield, was one of the earliest settlements on the western frontier. Petersburg was the staging area for many a western push into

the wilderness. And at Beverly, hardy pioneers planted a settlement, and buried their dead in one of the oldest cemeteries west of the Alleghenies.

We have a strikingly interesting history, but how are we to know about it at the impressionable levels of the learning process? Some good books on West Virginia history have been written for adults lately, the latest being Otis Rice's "The Allegheny Frontier." Unfortunately, the same can't be said for the textbooks in our public schools.

History never stands still. Like news, it is a constantly changing, constantly unfolding discipline, and the recording of it makes salient parts of said recording obsolete almost instantly after publication.

Those who use history books as a teaching tool should recognize their fragile nature and take corrective measures to bring them up to date. But we find that too frequently they do not. Rather than update them with fresh material, they improvise, and the results sometimes are worse than the original product. I'm reminded of the Golden Horseshoe tests. A few years ago, children in at least one county were being told to inform themselves about Joanne Dru, who, when they did so, turned out to be an actress from West Virginia, by then in retirement.

I made inquiries, and the same modus operandi was being used elsewhere. On this score I recall that when our daughter, then a student at a model school in Charleston, took her Golden Horseshoe exam, the first thing she asked afterwards was, "Daddy, who's Claire Bee?" I was lucky. I had the answer for her, because Claire Bee and I grew up in the same town, about two blocks apart. But why, I ask today, as I asked editorially then, were our Golden Horseshoe examiners so interested in a retired basketball coach, when there is so much of substance and wholesomeness to teach our young?

There are some who place little value in history, looking upon it only as a musty manifestation of the cloistered gentry. To them I quote Carlyle, who said, "History is the first distinct product of man's spiritual nature, his earliest expression of what can be called thought." And Cicero, who said, "Not to know what has been transacted in former times is to be always a child. If no use is made of the labors of past ages, the world must remain always in the infancy of knowledge."

In my opinion we need to strike out in new directions, if we are ever to inform ourselves properly about our State. I don't propose a massive Madison Avenue selling job, with ads in all the slick paper magazines, although I'm not opposed to it. Or radio and TV spots huckstering "wild, wonderful West by gosh Virginia." As I see it, a vintage 1971 history book, courses of study reaching up into high school, and more attention by newspapers, radio and TV to West Virginia as it really is, makes more sense. We've tried slogans, propaganda and pamphleteering and they haven't worked. Self-education on a broad scale seems the better part of wisdom. With this done, pride and self-respect should quickly follow. There's always the chance we will turn into Texas-style bores, but we've got to start somewhere, and if Mr. White is right about us, maybe we'll wind up friendly, courteous, sincere, *and informed.*

## MORE ON NUCLEAR POWER IN MAINE

### HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. HATHAWAY. Mr. Speaker, yesterday I placed in the RECORD of proceedings of this body the first two chapters of a pamphlet produced by a group of Maine citizens gravely concerned about the construction of a nuclear power facility in Maine. The pamphlet is entitled "Nuclear Power—The Greatest Threat to Maine," and was compiled and edited by Robert E. Phinney, Jr., of the Citizens for Safe Power, headquartered in Portland, Maine. In the first two of the pamphlet's seven comprehensive chapters, Mr. Phinney outlined both the proposed Maine nuclear powerplant's capacity for emitting harmful radiation and the untoward effects these emissions could cause man and nature. The titles of the third and fourth chapters are "Where Will Maine Yankee Radioactivity Come From?" and "What Other Problems Could Maine Yankee Create?" They follow, along with the appropriate footnotes for chapters 1 through 4:

WHERE WILL MAINE YANKEE RADIOACTIVITY COME FROM?

Some eighty tons of plutonium enriched uranium fuel (Travis 1970) in Maine Yankee's reactor will produce, by fission, 1,000 times the radioactivity from the bombing of Hiroshima (The Advocates 1970). This accumulating radioactivity must be continually filtered out of the reactor's primary loop, the radioactive atoms are filtered, ionized, steamed and condensed, and the remaining amounts, in the form of radioactive gases, go from holding tanks out the stack and into the local atmosphere, while radioactive atoms still retained in water go from settling and holding tanks to the condenser discharge and into Montsweag Bay (Thompson 1969). Radioactive atoms retained by this treatment are mixed into cement and dumped into oil drums or removed by filters. There are also four high load periods of radioactivity to treat annually when tons of additional radioactive water are produced by flooding the reactor's shield tank cavity to facilitate removal of spent fuel assemblies. There will also be various intermittent loads from malfunctions, spills, leakage into catch basins from pumps, fittings, direct leakage to the atmosphere through the dome etc. (HEW Document NF-67-6, 1967).

Most radioactivity is eventually shipped elsewhere in spent fuel casks to be reprocessed, or shipped in oil drums to be dumped at sea. Maine Yankee says there has been some trouble with radioactivity leaching through the cement in these drums. Maine Yankee spent fuel assemblies will be reprocessed at Nuclear Fuel Services, Inc. of West Valley, New York. Cornell Scientists found holding ponds at nearby Buttermilk Creek to contain 35,000 to 100,000 times the AEC's permissible amount of radioactivity. The New York State Public Health Department lists water radiation levels around the West Valley Plant at 10 times the AEC limit. New York's Bureau of Nuclear Engineering has found reconcentration of radio nuclides, such as strontium-90 and cesium-137 in fish and wildlife of the area (Shepherd, 1970).

The January '71 Scientific American article, "The Global Circulation of Atmospheric Pollutants" reports:

"The reprocessing of nuclear-fuel elements from power plants releases krypton 85, a radioactive gas with a half life of about 10 years, which is gradually accumulating in the atmosphere." (11)

Only plutonium and unspent uranium are extracted at West Valley. The excess thousands of gallons of radioactive liquids that can boil under their own energy for hundreds of years are held for about one year to cool enough for handling then injected into the earth through shafts topped with enormous funnels, or seeped into the earth from huge trenches dug along geological faults, or stored for an AEC minimum of 600 years in huge tanks (Fox 1966; 1969). About 80 million gallons are now in tanks. U.S. Public Health Service estimates two billion gallons by 1995. The AEC asked Congress in 1968 for legislation to fund $2,500,000 for replacements of failed or failing tanks, claiming "there is no assurance that the need for new waste storage tanks can be forestalled." (12)

The National Enquirer reports:

"One tank alone drained 60,000 gallons into the ground before discovery. At least two others are leaking, and leaks are suspected in three or four more. Some nuclear scientists are worried. Dr. Joel A. Snow, Physicist at the University of Illinois Center for Advanced Study, warned: 'A single gallon waste would be sufficient to threaten the health of several million people.'" (13)

"Only 180 feet separates the tanks the AEC uses from underground water." (14)

Curitis and Hogan report:

"By the end of the century waste tanks will boil with six billion curies of strontium-90, 5.3 billion curies of cesium-137, 6.07 billion curies of promethium-147, 10.1 billion curies of cerium-144, and millions of curies of other isotopes. The amount of strontium-90 alone is 30 times more than would be released by the nuclear war envisioned in a 1959 congressional hearing." (15)

Senator Church is now complaining of radioactive contamination of Idaho water supplies. The industry publication, Nucleonics, assures us the British don't "stew" about their nuclear plants, they just pump their radioactive waste directly into the ocean through a 2 mile pipe-up to 100,000 curies a month. (Taylor 1970).

David E. Lilienthal, former Chairman of the Atomic Energy Commission, states:

"Has the problem of disposition of these poisonous wastes been made demonstrably manageable, either as to danger or as to cause? The answer is no." (16)

A National Academy of Sciences committee, composed of geologists, ground-water hydrologists, and mining and petroleum engineers, recently concluded a 12 year study of most of the AEC's radioactive waste disposal facilities. They report:

1. All radioactive materials are biologically injurious. Therefore, all radioactive waste should be isolated from the biological environment during their period of harmfulness, which for the long-lived isotopes exceeds 600 years.

2. The rate of generation of radioactive waste is roughly proportional to the rate of power production from nuclear fission reactors. The committee therefore reasoned that no waste disposal practice, even if regarded as safe at an initially low level of waste production, should be initiated unless it would still be safe when the rate of waste production becomes orders of magnitude larger.

3. No compromise of safety in the interest of economy of waste disposal should be tolerated.

These wastes are not being isolated from the biological environment at present, and it is questionable to what extent the same practices can be continued when the rate of waste production becomes 10 or 100 times larger than it is at present without causing serious hazard . . . The cost of the entire waste-management program probably does not exceed 2 percent.

It is more than penny-wise and pound-foolish to skimp on budgets for radioactive waste-disposal programs and to adopt expedient practices for economic reasons; it is hazardous to the health and genetic security of the nation.

A new monitoring system for radioactive-waste disposal practices is needed. This system must be independent of the agencies and organizations that produce such wastes . . . (17). (From Resources and Man, a Study and Recommendations by the Committee on Resources and Man of the Division of Earth

Sciences, National Academy of Science-National Research Council. W. H. Freeman and Company. Copyright (c) 1969.)

There are huge disposal facilities now being constructed in Morris, Illinois; Aiken, South Carolina; and West Valley, New York to continue past disposal practices far into the future. What will become of the Maine Yankee plant, once its short operating life runs out? Dr. E. F. Schumacher explains:

The most massive wastes are, of course, the nuclear reactors themselves after they have become unserviceable.

No one discusses the humanly vital point that they cannot be dismantled and cannot be shifted but have to be left standing where they are, probably for centuries perhaps for thousands of years, an active menace to all life, silently leaking radioactivity into air, water and soil . . .

Disused nuclear power stations will stand as unsightly monuments . . . that the future counts as nothing compared with the slightest economic gain now. (18)

Bob Goligoski of the St. Paul Pioneer Press goes on to explain:

The AEC will spend $2 million in the next year to permanently close down and decontaminate Minnesota's first nuclear power plant at Elk River.

The deactivation of nuclear reactors usually entails the following:

Removal of all nuclear fuel and coolant fluid used to remove heat from the reactor. Radioactive components and residues are taken to a "radioactive dumping ground" where they are buried.

Other, less radioactive fixtures and materials are decontaminated and left on the site. The reactor is sealed tight to prevent people from entering and radioactivity from escaping. An AEC official said the process may take "anywhere between six months and two years to do the job and we may need a little more money to do the job than the $2 million in the budget." (19)

Once radioactivity from normal operations is released from Maine Yankee to the environment, where will it go? Robert Dow, Assistant Director of the Department of Sea and Shore Fisheries outlines possible accumulation—concentration in shellfish and commercially important organisms of radioactive and toxic elements from Maine Yankee's discharge water.

"Although discharged dilute levels may not be directly hazardous to public health, radioactive isotopes can be concentrated by marine organisms to hazardous levels when used as food, degree depending on specie of the food and the specific isotope." (20)

Specific isotopes concentrate in certain organs or tissues, thus iodine-131 settles in the thyroids of higher animals; strontium in bones, scales, and shells; tritium in all metabolic pathways, to mention a few, and that green algae can accumulate 500,000 times the radioactivity present in water; insect larvae, 100,000 times; fish, 20–30,000 times. (Eipper & Associates, 1968) The AEC found near one reactor four ducks, each containing 5 times the yearly budget of radiation allowable for humans (Cornacchia, 1970). Elsewhere milk, cattle, deer, rabbits, fish, shellfish, irish moss and grains have been found to be contaminated by radiation released from normal operations of nuclear reactors (H.E.W., 1969) (Curtis and Hogan, 1969) (Main Dept. Health and Welfare, 1965) Man, on top of each food chain, is final recipient of the largest accumulation concentration of radioactivity. Malcolm L. Peterson, M.D., PhD., School of Medicine, Washington University, states that we are just learning how radionuclides concentrate in nature and how they behave in human tissue. Furthermore different dietary habits in people cause different concentrations. Current knowledge can't say what dammage results from small doses.

"To illustrate how man can come in contact with these radioactive wastes, it might be helpful to take as an example the biological chain for just one radioactive substance. . . . The chemical which I would choose for illustration is zinc 65. This substance is currently being discharged into the Columbia River from the Hanford reactor . . .

First of all, the zinc 65 is formed in the cooling water by nuclear reactions which involve sub-atomic particles which penetrate the material of which the reactor equipment is constructed. Non-radioactive zinc in the reactor components can thus be converted into zinc 65—radioactive zinc. Minute amounts of zinc 65 are therefore dissolved in the cooling water which is poured back into the Columbia River.

Subsequently microorganisms subsisting in the water and deriving their nourishment from the dissolved chemical substances in the water pick up zinc 65.

As these tiny organisms incorporate the zinc atoms into their protoplasm, the amount of the zinc per unit volume of water in the molecules of the organisms is much higher than the concentration in the river water, algae and other plant life may pick up zinc 65 in the same manner.

Fish which live on microorganisms and algae repeat the process of concentration so that their flesh becomes even richer in zinc 65 than the food which they ate. Similarly, oysters at the mouth of the Columbia River which live on these microorganisms concentrate the radioactive zinc. Plants grown on the soil irrigated by the contaminated river water carry out a related process of uptake and concentration of radioactive zinc. Cows or other animals eating these plants will concentrate the zinc 65 still further.

From all of these dietary sources—from drinking water, fish, oysters, vegetables, and the milk and meat of grazing animals, man can ingest zinc 65. Thus his body can be exposed to relatively high concentrations of this radioactive element even though the concentrations in the reactor effluents were barely detectable. Furthermore, certain tissues of his body may selectively concentrate the zinc 65 further so that different exposures might result even within his own tissues. As examples of the concentrations of radioactive zinc: in the year 1958 when the river water had about 188 picocuries per kilogram, the oysters sampled at the mouth of the Columbia River had concentrations as high as 63,500 picocuries per kilogram. The 330-fold concentration of the radioactive substance prior to possible exposure by man is reflected in studies of people. Measurement of radioactive zinc in the bodies of people who drink Columbia River water shows the whole-body content to be about 4,000 picocuries. The bodies of people who drank milk and ate meat from cows grazing on pasturage irrigated by Columbia River water was nine times greater—36,000 picocuries. This is greater than some of the amounts of radioactivity measured in persons who work in atomic energy installations . . .

Every increase in radiation exposure carries with it an additional risk of harm. Furthermore, "the body burden of radioactivity in some individuals in the Hanford area has risen to 25 percent of the Radiation Protection Guide for the whole body and to 50 percent of the limit for bone." (21)

Will Maine Yankee radionuclides released into a tidal system be diluted in the ocean? The idea of safe low level release standards being further diluted in the ocean has now been publicly demonstrated as a ridiculous and dangerous lie by the current hazardous levels of mercury found in tuna and swordfish, which live in the deep open ocean at the end of a very long and complicated food chain. It is obvious that each organism in the food chain concentrates mercury a great deal faster than the ocean can dilute it. Increasing levels of radioactivity are now being detected in tuna and swordfish as well as most other foods we eat. Unlike mercury and DDT and other simple chemical substances that are degradable by ordinary chemical reactions, radionuclides can only be degraded by the same violent nuclear fission that made them or by the time required for them to release all their radioactivity. Thus man can do absolutely nothing to control the damage of long-lived radionuclides in the environment.

The time required for a radioactive element to lose its radioactivity is measured in "half lives". The half life of tritium is 12.5 years, which means that in 12.26 years half the particle emissions have been released, in the next 12.26 years or 25 years later one-quarter of the emissions remain etc. The AEC estimates as a generalization that it takes about 20 half lives for a radioactive element to become harmless. Thus strontium-90 with a half life of 25 years would be harmless in 500 years. Iodine-131 has a half life of 8 days, thus becoming harmless in 160 days. Consider then the damage done by plutonium when just one of its 20 hazardous half lives is 24,360 years, or neptunium ("produced in considerable amounts in the large nuclear reactors") (22) with a half life of two million two hundred thousand years. Half lives of other Maine Yankee isotopes are cobalt-58 (71 days); phosphorous-32 (1.3 days); cerium-141 (32.5 days); cerium-144 (590 days); zirconium-95 (65 days); krypton-85 (extremely lethal gas), 4.4 hours in one form that converts to another with a half life of 9.4 years; cerium-137 (33 years) etc.

As each specific isotope emits particles it reduces its weight sufficiently to change that portion into an entirely new element, and the new radioactive elements seek different areas of the human body. Thus, Strontium-90 which has settled in the bones soon begins to disintegrate into Yttrium-90 which concentrates heavily in the reproductive glands and the glandular and lymphatic system, the liver, spleen and pituitary glands. Thus a young woman can obtain over a 4 to 5 year period from slightly contaminated milk a peak accumulation of strontium-90 just about the time a devolping embryo is most susceptible. A peak production of Yttrium-90 from the vast reservoir of strontium-90 in her skeletal system thus circulates from her blood stream, across the placenta to multiply the dosage factor for yttrium-90 many hundred fold in the very small and sensitive early embryo fetus, creating a miscarriage, stillbirth, or a genetically defective child. The yttrium-90 in turn disintegrates to another radioactive isotope which in turn does other specific damage (Sternglass, 1970).

Dr. J. M. Arena, M.W., Professor of Pediatrics and Director of the Poison Control Center, Duke University School of Medicine, states:

"As much as 27% of a 10 to 30 millicurie tracer dose of radioactive iodine administered to a lactating woman may cross the plasma-milk barrier. The major portion will appear in milk within the first 24 hours. This is enough to produce a significant suppressive effect on the infant's developing thyroid gland." (23)

Dr. Eipper (1968) describes potential hot spots in the environment due to uneven mixing qualities of winds, waves and tidal action. Maine Yankee consultants say most of the Bay's radioactivity will become incorporated in the stable elements of the bottom sediments. Other biologists say such settled isotopes enter various food chains through bottom feeding bacteria.

Just as was the case of DDT, mercury cyclamates, and thalidomide, no one presently can accurately determine the ultimate destination and destruction of Maine Yankee's AEC licensed radioactive releases.

By direct transfer through the atmosphere, water, or contact with any contaminated objects, humans may receive high level doses of radioactivity in the event of a transportation

accident or plant malfunction. Philip Sporn, former head of American Electric Power, states:

"In atomic matters, we ought not to rush. We are going to have some accident with atomic plants. We don't want to have any. None of us in the business does. But we are going to. Let's get our experience and have our accidents now before we take more chances with our plants." (24)

Ralph E. Lapp (1971). Nuclear Physicist, states a major accident is certain before the year 2000.

In 1966 the Enrico Fermi Power Plant began a runaway melt down in its reactor. For 30 days its personnel waited for the partial melt down to burn out. In a melt down, control elements fail in the reactor and the controlled operational temperature of the atomic reaction (around 4000°F.) achieves its natural heat which approximates temperatures of the sun's surface. As the temperature rises the fuel core liquifies and then rapidly expands (but not as rapidly as a nuclear bomb) into a massive dense cloud of extremely radioactive gases. The Report of The Advisory Task Force on Power Reactor Emergency Cooling, U.S. Atomic Energy Commission 1967, states:

"Reliable and practical methods of containing the large molten masses of fuel that would probably result from such a melt down do not exist today. Accordingly, it is not considered possible to assure the integrity of the container if melt down of large portions of the core were to occur." (25)

The AEC estimates such an accident from a plant of 100 to 200 megawatts in size (Maine Yankee is 855 megawatts) could result in as many as 3,400 deaths, 43,000 injuries, $7,000,000,000 worth of property damage, and land contamination. Agricultural quarantines might prevail over a 150,000 square mile area or more than the combined areas of Pennsylvania, New York and New Jersey. (Curtis and Hogan, 1969) A University of Michigan report estimated 133,000 people would have been killed if the Fermi Plant accident had achieved full potential (Karp, 1970). The AEC refuses to estimate maximum accident potential on plants of Maine Yankee's size.

On October 10, 1957, No. 1 Pile (Reactor) at the Windscale Works in England malfunctioned, causing seizure of milk and growing foodstuff in a 400 square mile area. All the reactor's safety features had failed. Sir John Cockcroft (1958) in his delivery of the James Forrest Lecture to the Institute of Civil Engineers said about 3 tons of uranium were burned up during the accident, releasing at least 10 times the weight of many fission products produced in a small atomic bomb explosion.

In 1966 there were 42 incidents in the U.S., including rod failures, cracked fuel tubes, explosions in beam tubes, fission gas releases, fuel melt downs, and plugged cores. AEC files show 3 men killed when a reactor cap blew in Idaho; 1 man died in Rhode Island when he poured radioactive liquid into the wrong size vessel and it reached critical mass; of radioactive matter being lost for 2 weeks in shipment; the children of a Mexican family having died when they found a cylinder of radioactive waste in a city dump, etc.

Plants in Nebraska and South Dakota have been converted to fossil fuel, and plants in Michigan, New York, Minnesota, Puerto Rico, Ohio and South Carolina have been shut down permanently or semi-permanently due to malfunctions. The Millstone Plant recently activated outside of New London, Connecticut is now in serious trouble.

Arthur D. Little, Inc., Engineer Consultant for Maine Yankee states:

"In early 1968 . . . the nuclear alternative operating experience was limited to three early generation plants only one-sixth the size of some of the full scale plants being ordered. Operating information from plants that will employ the more advanced technology characteristics of systems now in order backlog will not be available until the early 1970's . . . thus, the industry has a very narrow base of experience on which to base projections of costs of manufacture and limited operating experience to validate the technical and economic aspect of designs now on paper." (26)

The Maine Yankee construction license reads:

"However, the Applicant and Regulatory Staff recognized that in order to develop the final design of the facility further information and data will be needed . . . The major areas of research and development include flow studies on a scale model, flow distribution studies on fuel assemblies, development studies on prototype control element assemblies, development of certain calculational techniques, testing of magnetic jack controlled rod drives, certain critical experiments, heat transfer elements, tests on full size fuel assemblies, tests on the zircoloy-No. 4 tubing and proof tests on the in-core instruments." (27)

What will Maine Yankee's performance be? Maine Yankee distributes a pamphlet (The Yankee Story 1960) describing performance of the Yankee Atomic Electric Plant (125 megawatts) at Rowe, Massachusetts, which lists 23 reactor shut downs in its first 6 years of operation for "design modification, additional physics tests, corrections to minor design defects and general debugging, redesigning and replacing certain core components, extensive inspections, variety of modifications and needed repairs, refueling."

The principle of redundant safeguards has failed to avert blackouts repeatedly. Redundant safeguards shut down one reactor when a toilet was flushed. Redundant safeguards are not fail safe from sabotage. Recent bomb scares at Maine Yankee have potential. A December '70 Natural History magazine poll reveals that of 5,092 respondents tabulated and coded, 46% earned over 15,000 a year, 79% were college educated; 30% with advanced degrees. Nine percent of the respondents demonstrated deep personal identity in the environment movement. Of this 9%, 38% are over 30 years old, 23% approved a conventional means (letter writing, appearing at hearings, boycotts, and so forth.) to resolve environmental problems, 35% approved of "civil disobedience" (sit-ins, and non-violent direct action), and 42% approved of violence if other means fail (sabotage or bombings).

The AEC reports that Maine Yankee is committed to a reactor vessel of faulty safe guard design which in the the event of a major accident could bypass all redundant safeguards.

"We have indicated to the applicant that the heat transfer model used by Combustion Engineering is somewhat optimistic and not adequately supported by experimental data. Combustion Engineering has considered heat transfer coefficients greater than those used in their report and has stated that heat transfer coefficients of the order of 1000 BTU/hr.-ft.2 (comparable to values used by other vendors) would lead to crack propagation in excess of ⅔ of wall thickness. In our judgment, the information submitted so far does not conclusively show that the vessel will maintain its integrity when subjected to the thermal shock stresses encountered when emergency cooling flow is needed . . ." (28)

In the event of a melt down, fracturing of the vessel by injection of additional coolant could be coupled with violent explosions within the faulty vessel.

The January 1970 issue of Fundamental Nuclear Energy Research reports:

"If a water-cooled reactor were to suffer an accidental power surge or cooling failure, reactor fuel or other materials might melt and contact the water coolant. The resulting reaction might cause high pressure steam to be produced very rapidly. Expansion of this steam could generate high velocity shock waves that could damage structures within the reactor and perhaps the reactor containment vessel itself . . . Argonne National Laboratory experiments have shown that the injection of a very small quantity of water just under the surface of a molten metal or a molten salt will regularly generate steam explosions.

The experiments were performed by heating a material sample to about 600°C. (1,100°F.) in a graphite crucible. After about one milliliter (1/30 of an ounce) of water was injected into the molten material through a steel hypodermic needle, molten pictures were taken of the reaction—the time interval between events was only 0.5 milliseconds (half a thousandth of a second). One frame shows several pieces of the shattered graphite crucibles flying in a cloud of mixed steam and tin particles. (29)

Will a crocked reactor vessel, designed initially to withstand 3000 p.s.i., contain an internal operating pressure of 2,200 p.s.i plus violent chemical and steam explosions? If not, will the reactor dome's 58 p.s.i. strength, despite faulty hatch construction, contain the resultant massive expansion of radioactive gases?

Dr. Robert L. Whitelaw, Virginia Polytechnic Institute, formerly Project Engineer for the design and construction of the Savannah, states:

"There is still by common consent an unwritten agreement to treat as 'incredible' the most fearful of all nuclear accidents that can occur in any plant with a highly pressurized primary system. Such an accident is, of course, the explosive rupture of the primary vessel itself, which is ruled out of the list of credible accidents for the simple reason that there is no adequate answer short of putting the plant underground or inside a mountain, as Ackerman has pointed out." (30)

Dr. Edward Teller states:

"In principle, nuclear reactors are dangerous. They are not dangerous because they may blow up . . . but a powerful nuclear reactor which has functioned for some time has radioactivity stored in it greatly in excess of that released from a powerful nuclear bomb. There is one difference, and this difference makes a nuclear bomb look like a relatively safe instrument. In the case of an atmospheric nuclear explosion, the radioactivity ascends into the stratosphere and is widely distributed and diluted . . . before returning to the ground. A gently seeping nuclear reactor can put its radioactive poison under a stable inversion layer and concentrate it into a few hundred square miles in a truly deadly fashion." (31)

The Maine Department of Public Health and Welfare states that Maine Yankee is charged with the prime responsibility:

"for prompt action to minimize radiation exposure to the general public, and for control and recovery of the materials. When an incident occurs, the responsible party (Maine Yankee) or his representative may require emergency assistance to regain control of the radioactive material, and to protect the public health and safety." (32)

Would Maine Yankee deem any accidental exposure "dangerous" and alert the public? The AEC deems an accident exposure to the public of 100,110 times greater than natural background radiation as "acceptable". Silence would avoid scandal and panic from otherwise undetectable exposures.

In a melt down, AEC Officials say they would be concerned with the speed with which they could evacuate a 30 mile radius, and that if a substantial hole were in the containment structure, there would be no chance for evacuation. (Eugene Future Power Committee, 1970).

WHAT OTHER PROBLEMS COULD MAINE YANKEE CREATE?

Robert Dow, (1970) Assistant Director of the Department of Sea and Shore Fisheries, writes of shellfish concentrating toxic metallic ions such as copper and zinc and their alloys from industrially heated water, rendering them extremely toxic to humans. Chemicals and other toxic material from the condenser discharge may be harmful to the Bay's ecology. The Sierra Club (1970) reports that the proposed Trogan Nuclear Plant in Oregon will adjust pH, control corrosion, reduce mineral deposits and stop biological growth in its condenser system by discharging daily 9,500 pounds of sulfuric acid, 1000 pounds blended polyphosphates, 38 pounds chlorine gas, 170 pounds sulfur gas, 180 pounds caustic soda, 2 pounds volatile ammines, 4 pounds ortho phosphates and several others in fractional parts. Maine Yankee is licensed to use chemicals if necessary.

Robert Dow states:

"A marked increase in noxious algal blooms and in growth rates of those estuarine animals which have wide temperature tolerance range can be anticipated. Periodic high mortality rates will occur with higher than predicted temperature increments. Plant and animal dieoffs from heated deoxygenated discharge water will further reduce dissolved oxygen in the receiving waters and increase hydrogen sulfide [rotten egg smell]. This degradation of environment will create nuisance conditions detrimental to public welfare, if not direct hazard to public health." (33)

An Ira C. Darling Center spokesman stated at a public meeting in 1970 that algal blooms on tidal flats eliminate marine worms through oxygen deprivation.

Dr. John H. Ryther, Environmental Consultant to Maine Yankee, states:

"There do appear periodically in these estuaries conditions that are so unfavorable that it may wipe out an entire population. However, even the sessile organisms—the plants, the sea weeds, the worms, the bottom-dwelling organisms like lobsters, crabs and so on . . . are free-swimming in the water during part of their lives. So by this mechanism they can rather quickly recolonize an area even if there has been a mass mortality from any cause." (34)

Resident fishermen report no such kills in Montsweag Bay during their lifetime or their fathers'.

On the heated discharge Mr. Don C. Laubenstein, Maine Yankee's Information Coordinator, recently told the Brunswick Rotary:

"We won't use anything like the run of the river. I guess 900 cubic feet per second sounds like a lot of water, but Sheepscot has a flow of 40,000 cubic feet per second." (35)

The company figure is 950 cubic feet per second; the body of water is Montsweag Bay, located several miles from the Sheepscot River. An approximate 1–40 ratio for heated water to bay water is severe in a bay which contains 85% of its water in less than a 20 foot depth, where mud flats at low tide reduce the water's surface by about one quarter, and in which summer water temperatures even in the coolest bottom layers reach 65° F., putting the discharge temperature at around 90° F. or above critical temperatures of many organisms. Lethal temperatures for adult alewives are 80–90° F., adult striped bass 77–80° F., adult herring 67.1–70° F., salmon 80° F., mud shrimp 87.8° F. (F.W. P.C.A., 1968) and blood and sand marine worms 79–89° F., (Creaser, 1971).

Audubon Magazine, March '71, reports:

"Starting early in 1963, the new small nuclear plant (Indian Point, 265 megawatts) began killing fish by the ton. The exact number of fish killed probably never will be known, because the State Conservation Department did its best to minimize the mess . . . Con Ed had two trucks hauling dead fish to the dump when the plant was in operation . . . dead striped bass stacked a dozen feet high . . . they covered an area encompassing more than a city lot . . . in the fall of 1969 . . . this kill continued . . . February 4th, the Star ran the headline, 'Con Ed Admits Killing of 150,000 Fish' . . . early in 1970 . . . the slaughter was so extensive . . . the plant had to shut down; dead fish were gumming up the works . . . we saw a discharge pipe vomiting thousands upon thousands of fingerling striped bass, and white perch along with catfish, tom cod, yellow perch, and an occasional sturgeon . . any eggs, larvae, or fish entrained into the plants would undoubtedly be killed . . . Con Ed blamed 'faulty screening' . . . Garrett charged that one day Con Ed was pumping so much hot water into the Hudson that 'the river was under a wall of rising steam from shore to shore . . . Con Ed erected a fence at the dump and posted guards . . . Arthur Pearson . . . the company's ecology expert . . . told . . . HRFA . . . Con Ed would not have to build cooling towers because the utility was going to get the state to 'reclassify' the brackish lower Hudson from Tidal salt water to fresh water stream . . . the obvious cause of death was thermal pollution, the hot water discharged from the plant. This either attracted the fish and upset their metabolism, brought on disease or killed them outright by shock." (36)

Tons of striped bass, plus salmon smolt, alewives and smelt feed near Maine Yankee's intake and discharge pipes on brackish Montsweag Bay. Theoretically it would take Montsweag Bay 1.76 tides to flush itself out but various water layers from temperature and salinity differences make actual flushing times much longer, causing indeterminate, larger accumulations of heat and radiation in the Bay.

According to Dr. Mount, (1969) heated water in the range licensed by the Environmental Improvement Commission (27°F.) or estimated by Maine Yankee (24–25°F.) will drastically reduce the number of species and the production of phytoplankton vital to all food manufacture in the Bay.

Johns Hopkins University has established that organisms exposed to heated effluents and radioactivity in combination suffer higher mortalities than when exposed to either condition separately.

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## AN OATH OF FREEDOM

### HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 23, 1971*

Mr. MOSS. Mr. President, the current threat to rights secured under the first amendment was the subject of the recent Reynold's lecture at the University of Utah.

In a scholarly treatise, Prof. Alfred C. Emery, newly appointed president of the university, discussed the basic importance of the first amendment as it applies to the civil liberties of our communities and academic freedom of our universities.

Professor Emery reminds us that universal freedom of opinion and expression is not a natural state of man, but is a concept that must be relearned and a faith that must be reacquired by each generation.

Having had the pleasure of reading this landmark lecture, I recommend it to Senators concerned with protecting first amendment rights and ask unanimous consent that it be printed in the Extensions of Remarks.

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

"AN OATH OF FREEDOM"

(By Alfred C. Emery)

There is a cliché that is read and heard with increasing frequency throughout the State. It is plastered on automobile bumpers and windows; it is printed in letters to the editor, and it is heard in private conversations and informal speeches. The cliché reads: "America, love it or leave it." On its face it is quite innocuous, but in the context in which it is used, it is symptomatic of an attitude that exists in this nation today that I believe justifies serious concern. It is used as though it were a conclusive response to the dissent expressed on issues of Vietnam, discrimination, poverty, ecological pollution and the many other issues of our time. It implies that the current state of affairs is somehow a perfect realization of the promise of America, and if one dissents from the policies of the representative majority, if he is repelled by the horrors of settling international disputes by the death and suffering of war, if he is bitter about the degradation of discrimination and poverty, if he is concerned about the pollution of our natural environment, he somehow does not love America. But America is more, much more, than the temporary policies of a Kennedy or a Nixon administration. America is something far more basic, far more enduring. The original concept of America was proclaimed in clear and unmistakable terms in the Declaration of Independence. In this document the concept of America is a ringing declaration of the dignity of the individual. In this document America means "all men are created equal." It means that all men are entitled to "life, liberty and the pursuit of happiness," and that this claim needs no other justification than the fact that man is a human being. America means that governments are not imposed upon men, that they are not the masters of men, but that they are created by men for the exclusive purpose of protecting and providing the opportunity to express this human dignity. America means that men, all men, are citizens, not subjects. It was to create and defend this concept of America that our founding fathers pledged their lives, their fortunes and their sacred honor. The fact that we, the people of the United States, have not realized the promise of America does not degrade the beauty and validity of the concept; it is simply a confession of our own weakness. One can love this concept of America and still recognize our policy failures. It is the love of America that permits, indeed demands, that we criticize our policies when they fall short of realizing the promise of America.

Whether we like it or not, we live in a time of fear and violence; individual violence in the form of crime, terrorism and riot, and national violence in the form of violent response to internal protest and war in the arena of international dispute. We live in a dangerous time, a time when the dangers are greater in degree than at any other time in history. Men may rationally fear the destruction of all life through nuclear, chemical and biological weapons of war delivered by a means for which there is no adequate defense. This fear may well be increased when such weapons are in the arsenal of other nations whose conduct in Hungary, Czechoslovakia and Tibet has given us no reason for confidence. Men may well fear the degradation of poverty and discrimination and the destruction of the environment in which they live. But fear feeds upon fear and progresses toward hysteria. In the past, men have feared witches and have burned women; men have feared revolution and have imprisoned dissenters. Today the loyalty of national leaders has been challenged because they oppose the war in Vietnam; campaign rhetoric has condemned large groups of students because of the excesses of a few; repressive legislation has been introduced because ideas were unpopular; academic budgets have been threatened because of the views expressed by visiting speakers; and a former vice president and others of the so-called establishment have been denied the right to express their views on a college campus by the disruption and violence of a few who opposed their views. The abandonment of liberty at a time of great anxiety is not a new pattern in history. It is the threatening repetition of this pattern today that I would like to make the theme of this lecture. In particular I would like to talk to you about the current threat to the rights secured under the First Amendment. This Amendment is a part of the America established by the Declaration of Independence. As the Declaration of Independence is a declaration of human dignity, the First Amendment, as a part of that human dignity, is a powerful declaration of the freedom of the conscience and the mind of man.

But, as our history frequently reminds us, universal freedom of opinion and expression does not seem to be a natural state of man. It is a concept that must be re-learned and a faith that must be re-acquired by each generation. Justice Oliver Wendell Holmes stated the proposition in his dissent in the case of Abrams v. United States:

"Persecution for expression of opinions seems to me to be perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says he has squared the circle, or that you do not care whole heartedly for the result, or that you doubt either your power or your premises. But when men realize that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of thought to get itself accepted in the competition of the market place, and that truth is the only ground upon which their wishes safely can be carried out."

What I have to say tonight will not be new or revolutionary. I would only like to share with you my understanding of the First Amendment. I would like to discuss with you its basic importance to the welfare of our nation as it applies to the general community and to our universities in the hope that our discussion may make some contribution to the renewal of the faith of this generation in an open society where the conscience and the mind of men are free.

The meaning of the First Amendment cannot be found by examining the words of the Amendment out of the context in which it was created. The people who conceived and ratified the Amendment had been an oppressed people. They had known the anger and frustration aroused by the suppression of opinion and expression through the threat of criminal prosecution. They created the First Amendment in response to this experience.

Statutes suppressing free speech in England are found as early as 1275. An Act of Parliament of that year outlawed "any false news or tales whereby discord or the occasion of discord or slander may grow between the King and his people or the great men of the realm. . . ." The statute was reenacted in 1379 for the "prevention of subversion and destruction" of the Realm "by means of false speech." Punishment for violation of these statutes was meted out by the infamous Court of the Star Chamber. Such speech was originally punished as treason, and prisoners were hanged, beheaded, drawn and quartered. Later the crime was defined as seditious libel and the punishment reduced to time in the pillory and imprisonment. With the advent of printing, the threat of dissent became greater and the King and Parliament attempted to control the spread of opinion through prior restraints in the form of a licensing system and the Court of the Star Chamber. This system finally expired, but the press was far from free. English law denied the doctrine of prior restraint but punished seditious libel. The only issue was one of the time at which the crime was committed. The government could not interfere or punish words before they were published, but it could punish them as it pleased after publication. The state of the law in the eighteenth century was defined by Sir William Blackstone in these words:

". . . where blasphemous, immoral, treasonable, schismatical, seditious or scandalous libels are punished by the English law . . . the liberty of the press is by no means infringed or violated. The liberty of the press is indeed essential to the nature of a free state; but this consists of laying no previous restraints upon publications and not in the freedom from censure for criminal matter when published. Every free man has an undoubted right to lay what sentiments he pleases before the public: to forbid this is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take consequences of his own temerity. . . . But to punish (as the law does at present) any dangerous or offensive writings, which, when published, shall on fair or impartial trial be adjudged of pernicious tendency, is necessary for the preservation of peace and good order, a government and religion, the only solid foundations of civil liberty. Thus the will of the individual is still left free; the abuse only of that free-will is the object of legal punishment. Neither is any restraint hereby laid upon freedom of thought or enquiry: liberty of private sentiment is still left; the disseminating, or making public, of bad sentiments, destructive of the ends of society, is the crime which society corrects."

Upon a casual reading, Blackstone's statement sounds reasonable. It is echoed in the argument repeated today to the effect that a person is entitled to speak, but if his comments are unlawful, he must accept the consequences of his act. The danger of the rule is found in the fact there are few or no limits to the term unlawful. It permits the state to prosecute anything it finds threatening to its policies or even inconvenient. The effect of the rule is to so chill the exercise of free speech by the threat of criminal prosecution that there is no freedom at all. Only the very courageous or very angry will dare speak. It recalls Galsworthy's description of the Russian peasant:

"The other day in Russia an Englishman came on a street meeting shortly after the first revolution had begun. An extremist was addressing the gathering and telling them what fools they were to go on fighting, that

they ought to refuse and go home and so forth. The crowd grew angry; and some soldiers were for making a rush at him; but the chairman, a big burly peasant, stopped them with the words: 'Brothers, you know that our country is now a country of free speech. We must listen to this man, we must let him say anything he will. But, brothers, when he's finished, we'll bash his head in.'"

The flexibility of the definition of seditious libel and the danger it poses to a free society is apparent in the cases to which it was applied in early English and Colonial history. The English definition may be found in the remarks of Chief Justice Holt in 1704 in the Tuchins case:

"If people cannot be called to account for possessing people with an ill opinion of the government, no government can subsist. For it is very necessary for all governments that people should have a good opinion of it."

William Twynn was sentenced to be hanged, cut down while still alive, and drawn, quartered and beheaded because he published a book that endorsed the right of revolution. Thomas Watt was hanged and beheaded because of some statements made in some unpublished and undistributed documents found in his home. Later the punishment was reduced but the restrictions on speech continued without any modification. An English solicitor in a private conversation was heard to say "I am for equality and no King." He was disbarred, sentenced to an hour in the pillory and six months in prison. Tyranny and suppression were not exclusive acts of the King. After Parliament was successful in securing its own freedom (the so-called Parliamentary Prerogative), it proved to be as efficient as the King in suppressing criticism of its conduct. The philosophy is expressed clearly by Baron Woods:

"[It] is said we have a right to discuss the acts of our legislature. This would be a large permission indeed. Is there, gentlemen, to be a power in the people to counteract the acts of parliament; and is the libeler to come and make the people dissatisfied with the government under which he lives? This is not to be permitted to any man—it is unconstitutional and seditious."

The climate of freedom was not greater in the Colonies. The Governors and Assemblies enforced the law of seditious libel with equal vigor against all who would challenge established religious or political doctrines. Henry Dumster, the respected first President of Harvard, was indicted by a grand jury and convicted of breaching the peace for comments in a sermon he delivered on infant baptism. McDougall was imprisoned without trial by the Assembly in New York because he characterized a bill that authorized the supply of the King's troops as "base and inglorious" in a hand bill addressed to the "Betrayed Inhabitants of New York." In Pennsylvania two men were arrested for speaking derogatory comments about the King. The temper of the times was expressed in Judge Robert Ashton's instruction to the jury:

"It is greatly imprudent and presumptuous for private persons to intermeddle with matters of so high a nature; and it will be impossible to preserve the peace, unless subjects will quietly submit themselves to those whom providence has placed over them . . . what severity is too harsh for those who thus despise dominions, who speak evil of dignitaries, who curse, asperse and deny their supreme true and lawful and undoubted sovereign."

Examples can be multiplied many hundred fold, but the best known case, the case that had the greatest lasting significance, was the trial of Peter Zenger. Zenger, a New York printer who published a weekly newspaper, published a series of articles that accused Governor William Cosby of tyranny, of replacing judges that did not please him, of denying men a fair trial and disenfranchising freeholders contrary to law. These facts were apparently accepted as common knowledge in the Colony. The vindictive chief executive first attempted to have Zenger indicted by a grand jury. When the grand jury refused to indict Zenger, the Governor issued a warrant for his arrest and he was held in prison under a bail so excessive that neither he nor his friends could raise it. Zenger pleaded not guilty. When his original attorneys challenged the jurisdiction of the judges, they were disbarred. The theory of the prosecutor was enlightening. He argued that the only evidence he needed to introduce was to prove Zenger printed the statements. It was the court's prerogative to decide whether the statement was libel under the law. The prosecutor argued that the law of seditious libel was designed to protect the government from statements that would tend to cause the people to hold it in disrepute and to rebel against it. The fact that the statement was true was not relevant. If it were, it only made the statement more libelous and the crime more serious. To join the issue on the question of truth, Andrew Hamilton, Zenger's new attorney, stipulated that Zenger printed the statements and made proof of the prosecutor's case unnecessary. Notwithstanding the court's ruling that denied Hamilton the opportunity to prove the truth of the statements, Hamilton argued brilliantly and persuaded the jury that they should make the decision of whether the statement was libelous, and upon their general knowledge, accept truth as a defense. Disregarding the court's instructions, the jury found Zenger not guilty. The verdict not only acquitted Zenger but became a precedent allocating to the jury the function of determining whether the statement was libelous, and establishing truth as a defense. The precedent has been adopted as part of the constitution of many of our states.

Notwithstanding the prosecutions for seditious libel, the voice among the people calling for freedom of the mind of men could not be stilled. The writings of Milton and Locke were well known. Perhaps the writings that were most extensively distributed were the writings of two Englishmen who published under the name of Cato. These writings faced the issue most directly. One of Cato's letters published by Peter Zenger in the *New York Weekly Journal* of February 18, 1733, deserves particular attention.

"Without Freedom of Thought there can be no such thing as Wisdom; and no such thing as Liberty without Freedom of Speech; Which is the Right of every man, as far as by it he does not hurt and control the Right of another; and this is the only Check which it ought to suffer; the only Bounds which it ought to know.

This sacred Privilege is so essential to free Governments, that the Security of Property, and the Freedom of Speech always go together; and those wretched Countries where a man cannot call his Tongue his own he can scarce call any Thing else his own. Whoever would overthrow the liberty of a nation must begin by the Freeness of Speech; a Thing Terrible to Publick Traytors. . . .

That Men ought to speak well of their Governours is True while their Governours deserve to be well Spoken of, but to do publick mischief without Hearing of it is only the Prerogative and Felicity of Tyranny; a free People will be showing that they are so by their Freedom of Speech.

The Administration of Government is nothing else but the Attendance of the Trustees of the People upon the Interests and affairs of the People. And as it is the Part and Business of the People for whose Sake alone all publick Matters are or ought to be transacted, to see whether they be well or ill transacted; so it is the Interest and ought to be the Ambition of all honest Magistrates to have their deeds openly examined and publickly scanned. . . .

Guilt only dreads the Liberty of speech which drags it out of its Lurking Holes and exposes its deformity and horror to Day light; the best Princes have ever encouraged and promoted freedom of Speech. They know that upright measures would defend themselves and all upright Men would defend them."

The rights of freedom of religion, freedom of speech and freedom of the press were not the only issues that caused the American Revolution. These were major grievances, however, that led Englishmen to sever their allegiance to England, and this was the context in which these issues reached the stage that led to revolt.

The Constitution of the United States clearly established a government created by the consent of the people for the purpose of protecting and enlarging their right to human dignity. It is not surprising that one of the first acts of the new Congress was to propose a Bill of Rights and that the first of these Amendments removed freedom of religion, freedom of speech, freedom of the press and freedom of assembly from the sphere of government control. The people knew that tyranny was not the practice of kings alone. They had seen the repression of religion. They had experienced repression by legislatures. They were well aware that a tyranny of a majority was as destructive of freedom as tyranny in any other form. Madison expressed his concern over this form of tyranny in the *Federalist*. The Amendment might have accepted the precedent of the Zenger case and, like some state constitutions, recognized the crime of seditious libel and provided truth as a defense. But those who conceived and ratified the First Amendment used the much stronger words of absolute prohibition against Congressional interference. The First Amendment provides:

"Congress shall pass *no* law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the Government for a redress of grievances." (Emphasis added.)

The concern about a tyranny of the majority and the need for the First Amendment was soon justified. Under the cloud of a potential conflict with the French, the Alien and Sedition Acts of 1798 were passed. Under this Act arrests and convictions comparable to those of pre-revolutionary days were made, sometimes for the most innocent kinds of statements. The Alien Law permitted the President to compel the extradition of those persons he determined to be dangerous to the safety of the United States, and the Sedition Law provided for criminal sanctions against any malicious writings against the government, either House of the Congress, or the President if published with the intent to defame them, excite the hatred of the people against them or to provoke resistance to law. Under this Act about twenty-five people were arrested; eleven were prosecuted and ten were found guilty. For stating that President Adams was a man who had a continual grasp for power and an unbounded thirst for selfish avarice, a Congressman was sentenced to four months in prison and fined $1,000. Another citizen who protested the political persecution of the Congressman was imprisoned for two months and fined $200. Another who charged that the reign of Adams was one continued tempest of malignant passions was imprisoned for nine months and fined $200. The reign of terror was reversed by the political process when the Act became a political issue and Jefferson was elected President. President Jefferson promptly pardoned all those convicted and Congress eventually remitted the fines with interest. The attitude of Jefferson is best articulated in his own words in his Inaugural Address:

"If there be any among us who wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments to the safety with which error of opin-

ion may be tolerated where reason is left free to combat it."

The next dramatic confrontation between acts of Congress and the First Amendment occurred in 1917 during the fear and hysteria of World War I. The Espionage Act of 1917 was passed ostensibly to further the United States' effort in World War I. It was passed and amended to bring into effect a variety of prohibitions. Among other things it made criminal false reports intended to interfere with the operations of the military forces, willfully obstructing the recruiting of the armed services, saying anything intended to obstruct the sale of war bonds, except by way of advice that was not disloyal, and uttering or printing any disloyal, profane or abusive language intended to cause contempt, scorn or disrepute of the government, the flag or the uniform of the Army or Navy. Nearly two thousand cases were prosecuted under this Act. A film, "The Spirit of '76," was confiscated, and the government's action sustained by the courts. The picture was made before World War I and contained scenes of the speeches of Patrick Henry and the signing of the Declaration of Independence, and a scene that allegedly depicted the Wyoming Valley Massacre in which British troops bayonetted and shot innocent noncombatants. The seizure of the film was justified on the grounds that it was calculated to create enmity between our troops and our British allies. The question of the truth of the events depicted was held to be irrelevant. Although the case was later reversed, Rose Pastor Stokes was convicted for writing a letter using the words "I am for the people, while the government is for profiteers," because it might lessen the enthusiasm for the war. Men were imprisoned for private arguments in hotel lobbies, at boarding house tables and for signing petitions against the war addressed to state officers. As Professor Chafee states:

"It became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional though the Supreme Court had not yet held it valid, to say that the sinking of merchant vessels was legal, to urge that a referendum should have preceded our declaration of war, to say that war was contrary to the teachings of Christ. Men have been punished for criticising the Red Cross and the Y.M.C.A., while under the Minnesota Espionage Act it has been held a crime to discourage women from knitting by the remark 'No soldier ever sees these socks'."

The fact that this kind of hysteria and reign of terror could occur in the United States in the twentieth century is frightening and should create an awareness that the fears of today may well pose a significant threat to liberties preserved by the First Amendment. The events arising out of the Espionage Act of 1917 did have one consecutive effect. Notwithstanding Madison's prediction that the courts would become the bulwark of our liberties, the Supreme Court had not played a significant role in the development of the First Amendment. That role began with the cases that developed under the Act of 1917. These cases resulted in two important developments. The first extended the scope of the application of the Amendment. The Amendment provided that "Congress shall pass no law," thereby limiting its restriction to the federal government. Two of the cases appealed to the Court involved the claim that freedom of speech was abridged by a state statute, one in New York and one in California. These cases were appealed to the Supreme Court of the United States upon the theory that the statute of the state violated the Fourteenth Amendment of the Constitution. The Fourteenth Amendment applies directly to the states. It provides that no state "shall deprive any person of life, liberty or property without due process of law." In these cases the Court defined the word liberty, a word used in both the Declaration of Independence and the Fourteenth Amendment. The Court held that the word "liberty" as it is used in the Fourteenth Amendment includes the right of free speech and the other rights protected by the First Amendment. Through the medium of the Fourteenth Amendment all of the restrictions imposed on Congress by the First Amendment were made applicable to the states. Subsequent opinions have extended the application of these restrictions to the political subdivisions and agencies of the state, including boards of education.

The other significant development found in these cases is the Court's attempt to create a judicial definition of the concepts of freedom of speech and freedom of the press. This attempt was first made in Schenk v. United States. In this case, Mr. Justice Holmes, speaking for the Court, announced that the prohibition of the First Amendment was not absolute. Congress could punish some forms of speech. It was in this case that he announced his now famous example of shouting fire in a crowded theatre. In drawing the line between permissible and impermissable legislation Holmes said:

"The question in every case is whether the words are used in such circumstances as to create a clear and present danger that they will bring about the substantive evils that Congress has the right to prevent."

While Mr. Justice Holmes announced the clear and present danger test, he made no effort to apply it in the opinion. He seemed to assume the danger was clear and present. It was in the second case that Justice Holmes attacked this problem. In this case a group of radicals had printed a handbill calling for a general strike to protest the sending of United States troops to Russia. The handbills were thrown from a window of a building in New York to the pedestrians on the street below. The majority of the Court affirmed Abrams' conviction on the grounds that the natural tendency of the call for a general strike would impede the effort in the war against Germany. Justices Holmes and Brandeis dissented. In this case Holmes added a sense of immediacy to the clear and present danger rule when he said:

"It is only the present danger of an immediate evil or the intent to bring it about that warrants Congress in setting a limit to the expression of opinion."

It was left to Mr. Justice Brandeis to give real meaning to the rule. In the case of Whitney v. California, Mr. Justice Brandeis, in a dissenting opinion, defined the clear and present danger in thse terms:

"Fear of serious injury cannot alone justify suppression of free speech and assemly. Men feared witches and burned women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech there must be reasonable ground to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe the danger apprehended is imminent. . . . Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty. To courageous self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from speech can be deemed clear and present unless the incidence of the evil apprehended is so imminent that it may befall before there is time for full discussion. If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence. Only an emergency can justify oppression."

There is a second element of the clear and present danger rule that is not clearly stated in its title. In his original statement of the rule Justice Holmes stated that the speech must create a clear and present danger of some substantive evil Congress has the power to prevent. But surely not all evils Congress can prevent, no matter how insignificant they may be, are sufficient reason to suppress expression. Mr. Justice Brandeis responded to this question in the Whitney dissent when he stated:

"Moreover even imminent danger cannot justify resort to prohibition of these functions essential to effective democracy, unless the evil apprehended is relatively serious. Prohibition of free speech and assembly is a measure so stringent that it would be inappropriate as the means for averting a trivial harm to Society. . . . The fact that speech is likely to result in some violence or in destruction of property is not enough to justify its suppression. There must be a probability of serious injury to the State. Among free men, the deterrents ordinarily to be applied to prevent crime are education and punishment of violations of the law, not an abridgment of the rights of free speech and assembly."

In my opinion, Mr. Justice Brandeis set forth two separate steps in the application of the clear and present danger rule. To meet the test of this rule that speech that is abridged by the legislation must first present a clear and present danger, an imminent and immediate threat, to some objective that Congress may lawfully achieve. Second, even if the speech abridged presents such a danger, there must be a determination that the objective the legislation attempts to achieve is of such significance that it outweighs the individual and social importance of the right of free expression. This second step requires that the significance of the ends that the legislation attempts to achieve be balanced against the significance of the freedoms of the First Amendment. Unless the answer to the questions posed by both of these steps can be answered in favor of the legislation, that legislation violates the First Amendment.

While the Court subsequently adopted the principles of Mr. Justice Brandeis' dissent in the Whitney case, it has not always been clear that it has applied both questions to the legislation involved in the litigation. Indeed, during the hysteria of the McCarthy period, the Court appeared to combine both principles into a single one and all but abandoned the clear and present danger test. In the case of Dennis v. United States, the defendants were charged, not with conspiring to overthrow the government, not with advocating the overthrow of the government, but with conspiring to teach the necessity of the overthrow of the government. If they were only conspiring to teach a doctrine of Syndicalism, it is difficult to find the imminence of the threat, the immediacy or emergency suggested by Justice Brandeis. Nevertheless, the Court sustained the conviction. It did so under a new test which judged the legislation by the gravity of the evil discounted by the improbability of its occurrence. Justice Brandeis' rule required an imminent danger and then a balancing of the gravity of the evil against the importance of free expression. In the Dennis case the Court ignored the first step as an independent question, and then balanced the gravity of the evil against the need to find an emergency. The greater the gravity of the evil the more remote the threat might be. Theoretically, if the evil were very grave, a very remote causal relation between the speech and the evil could justify repression. The principle of the Dennis case has been discredited. The Court returned to the clear and present danger rule in the subsequent case of Woods v. Georgia and emphasized the need for an immediate threat in its most recent case of Brandenburg v. Ohio, declaring the Ohio syndicalism act unconstitutional.

Others have criticized the clear and present rule and have presented alternative tests. For reasons time will not permit me

to discuss here, I believe the best reasoned of these alternatives is the one proposed by Professor Thomas I. Emerson's article, *Toward a General Theory of the First Amendment*. Professor Emerson proposes a test that distinguishes between expression and action. Under this test, action can be regulated by the government, but expression is beyond government control and must remain free of all regulation. The test does pose a difficult problem of distinguishing between expression and action. All speech involves some action, particularly symbolic speech, such as wearing arm bands or carrying signs. On the other hand many types of action, even violence, may be used to express protest. The problem is to determine whether certain conduct partakes principally of action or of expression. The cutting edge is one which clearly adopts the principle of the clear and present danger rule and adopts both of the steps of that test. The test, Professor Emerson says, is:

"In the main this is a question of whether the harm attributable to the conduct is immediate and instantaneous, and whether it is irremedial except by punishing and preventing the conduct. . . . In formulating the distinction between expression and action there is thus a certain leeway in which the process of reconciling freedom of expression with other values and objectives can remain flexible."

If there is an imminent threat of harm, that harm must be balanced against the very significant importance of free expression. This second step raises the additional question of who strikes this balance, who makes this decision. In cases not involving freedom of expression the Court has called this decision a political one and left the balancing to Congress. The Court has intervened only when the legislative decision was unreasonable. Mr. Justice Frankfurter has advocated a similar position in the First Amendment cases. But the First Amendment is a restriction on the legislative branch; it was intended to remove free expression from the political arena. It is not surprising, then, that the Court has rejected this position and has accepted the responsibility of making an independent judgment on this issue. The First Amendment is given a preferred status. In striking the balance between freedom of expression and an interest claimed by the state, the thumb of the Court must rest on the side of the balance that favors the First Amendment. Only when the claim of the state is serious and no other reasonable means of protection is available, will a clear and present danger justify a restriction on freedom of expression.

This preferential treatment is justified by the fundamental nature of the First Amendment. It is both an end in itself and a means to achieve the other values of liberty. The Declaration of Independence and the Constitution clearly establish that our government was not imposed on the people but was created by their consent to protect and enlarge their right to human dignity. The individual not the state is the significant end of society. The great gift of man, that which distinguishes him from other living things, is his mind, his power to think creatively and imaginatively. To deny him the freedom to use this gift, to allow others to control what opinions he may hold and express is to deny him the dignity proclaimed by the fundamental documents of our history. It has been argued that the restrictions placed on speech have been minor and only restrict those opinions which are clearly evil. But this argument denies history. Christianity was once persecuted on this kind of argument. If the history preceding our revolution, the Sedition Act of 1789 and the Espionage Act of 1917 prove anything, they prove that no man or no group of men are so objective and so omniscient that they can be trusted to control the minds of others. The First Amendment protects not only the right to speak but also the right to hear and to learn. If the individual is the significant purpose of society, government has an obligation to permit the maximum opportunity to develop this capacity. To deny him the right to learn, to suggest that some other group is more competent to determine what ideas he may hear and evaluate is an even greater affront to his human dignity than it is to the dignity of the speaker who is denied the right to express his opinion."

Perhaps this natural right in and of itself is enough to justify the preferred position of the First Amendment. But the emphasis on the individual right often obscures the societal importance of the amendment. Certainly Justice Brandeis had more in mind. While our political system delegates the power of government to the majority, it was not intended that the majority be allowed to perpetuate itself by suppressing all opposition to its policies and to its reelection. Our system permits that majority to shift. It is obvious that the freedoms of the First Amendment are fundamental to the processes of such a system of government. The defense the First Amendment provides against tyranny was most persuasively stated by Mr. Justice Jackson:

"Struggles to coerce uniformity in support of some end thought essential to their time and country have been waged by many good as well as evil men. Nationalism is a relatively recent phenomenon, but at other times and places the ends have been racial or territorial security, support of a dynasty or regime and particular plans for saving souls. As first and moderate methods to attain unity have failed, those bent on its accomplishment must resort to an ever-increasing severity. As government pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose from what doctrine and whose program public education shall compel youth to unite in embracing. Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the Inquisition as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard. It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings."

It has been suggested that while the First Amendment may well be our principal defense against tyranny, it presents some risk of the destruction of democratic government, a risk the Founding Fathers were willing to assume. Perhaps this is correct. But further thought suggests that the First Amendment is our first defense against rebellion as well as our first defense against tyranny. It does provide a kind of safety valve, a way of letting off steam, that is an alternative to violence or rebellion. If rebellion follows frustration and anger at unmet needs, certainly the repression that results from denying a group the right to express its feelings can only add to that frustration and anger. But the role free speech, free press and free assembly play in preventing rebellion is much more basic. It was President Abraham Lincoln in his address at Gettysburg who described the government of the United States as a "government of the people, by the people, for the people." It is significant that he did not describe it as a government by the majority, of the majority, and for the majority. In the words of Cato, those chosen by the majority become trustees of the power and resources of the government for all the people, the minorities as well as the majority. This was clearly the intention of Madison who justified the choice of the democratic republic over the form of pure democracy upon the faith that those elected by the majority would rise above the partisanship of the political arena and represent with equal dedication all of the people, not only those factions responsible for their election. Rebellion, as distinguished from individual crime or violence, seldom occurs unless a substantial part of the community is hostile or alienated from the government. The colonists in the Declaration of Independence declared:

"Prudence, indeed, will dictate that governments long established should not be changed for light or transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces the design to reduce them under absolute despotism, it is their right, it is their duty to throw off that government. . . ."

President Lincoln echoed this sentiment in his first Inaugural Address:

"If by the mere force of numbers a majority deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution—certainly would if such a right were a vital one. But such is not our case."

I intend to suggest that the ultimate solution to any long-term threat of revolution, and even to individual crime and violence, is not repression but the solution of the social and economic conditions involving poverty, discrimination, deprivation and other environmental factors that breed revolution and crime. If the justifiable and deep-felt needs of all of the people are heard and receive a reasonable response, the danger of revolution will be remote indeed. I do not intend to suggest a policy of permissiveness that would grant demands, whether reasonable or outrageous, just to pacify a militant group who support their demands only with threats of disruption or violence. Such permissiveness is not necessary to avoid revolution. We need only to respond when a consciousness of a healthy society and a decent regard for human dignity demand a response.

The trustees of our government have at their command the awesome powers and the overwhelming resources of the richest, most powerful nation in history. They also face the most complex and critical problems faced by any civilization. Notwithstanding the power and resources, these problems cannot be solved by a single act or at any single moment in time. The trustees of governmental power must determine a set of national priorities, an order in which these issues must be attacked and resolved. Further, in the resolution of these issues they must choose between alternatives that often must impose upon the needs of one group to satisfy the needs of another. If they are trustees for all of the people and not just for the majority, one must expect that not infrequently the needs of minorities will receive priority over the less urgent needs of those in power. But these needs are the ones least likely to be known or understood by the representatives elected by the majority. If the minority's speech, its press, its right of assembly, its right to petition for redress of grievances are denied by repressive legislation, the trustees have by their own conduct made it impossible for them to perform their trust. They have sown the seeds of revolution described in the Declaration of Independence and Lincoln's First Inaugural Address.

It is at this point that we must face the argument for a form of repression of free speech that is far more subtle than the

others I have discussed. The proponents of this position argue that the First Amendment was intended to protect the right to form opinions and express these opinions and to foster rational debate around those issues and opinions. The argument continues that while the First Amendment protects the right to speak, it does not protect the form or words in which these thoughts are conveyed, and the state has the right to suppress that kind of speech that is too militant and the kinds of words that shock the sensibilities of the majority. This kind of speech is said to be counter-productive and indeed interferes with rational, calm and objective debate of the issues. The answer to this argument is twofold; it denies the individual right of free speech and it denies the nation the values that make free speech a basic function of our democracy. The majority do not need the protection of the First Amendment. The timid do not exercise their rights. Only those persons, so deeply and emotionally committed to an unpopular idea that they are willing to suffer the social sanctions that will follow, need the protection of the Constitution.

People this emotionally committed, this deeply involved, are not likely to speak in the calm rhetoric of a local high school debating society. This is particularly true if they come from one of the minority cultures of our society, and the argument demands that they not only divorce themselves from their emotional involvement but from the normal meaning given to words by their culture. To permit these people to speak, provided they speak softly and do not upset the consicence or fears of the majority, is to effectively deny them the right to speak at all. It also denies the trustees of government one of the basic kinds of information they need to effectively carry out their trust. In setting priorities and choosing alternatives which may impose upon one group in favor of another, legislatures need but to permit the repression of words that demonstrate the intensity of equal, and perhaps great importance, they must know the intensity with which those needs are felt. To allow the exposition of the nature of the need but to permit the repression of words that demonstrate the intensity with which the opinion is held, is to deny the trustees of governmental power the basic information upon which the successful execution of the trust depends. We need look no further than our Black Community. It has been well over a century since the Emancipation Proclamation was formally issued. After all that time we have not yet resolved the problems of racial discrimination. The reaction of the Black Community has proceeded from quiescent acceptance through requests and demands of the NAACP in rational debate, the civil disobedience of Martin Luther King, the wild rhetoric of the new Black Movement and violence; only to meet with repression and resistance at each stage. If speech had been encouraged, if the majority had listened, and if the minority had been given equal opportunity for housing, employment, education, participation in government and social affairs demanded by the minimum standards of human dignity, we might not face the very critical issues of the alienation of the Black Community, the bitterness of Black Separatism and the violence of burning cities we face today.

These reasons alone would justify the priority the court has given to the First Amendment. There is, however, another justification that some, including John Steward Mill, deem important. The search for truth, the search for ultimate solutions to complex problems in a dynamic society is not a simple task. It defies the efforts of any single mind. If our present technological advancement has proved anything, it has proved that for the most part truth is not found in a single flash of insight. Discovery is the result of a continuing process. It is a process upon which each new idea is built upon the ideas and insights developed and expressed by others. This dependence upon prior publication is not limited to prior truths. Those ideas that have proved invalid are often as valuable building blocks as those proved to be sound. We often learn more through our mistakes than we learn from our successes. In each idea, no matter how extreme, no matter how wild the rhetoric, there may be one grain of truth or one mistake which when discovered will lead others to greater truths. To deny expression to ideas clearly breaks the chain and inhibits the search for truth. Free speech is not only essential to the search for truth but also to the most effective test of truth. Truth and validity of ideas and programs is an elusive quality. History is filled with instances where accepted truths of today have later been proved invalid, and other instances where ideas that have been rejected as heretical extremes have become the doctrine of tomorrow. The best test of the validity of any idea, principle, or truth can be found in the heat of the crucible of public debate. To set aside one's opinions as above discussion is to assume an omniscience attributable only to God. It is true that administrations can be paralyzed into inaction by debate if decisions are postponed awaiting a unanimous consensus upon a program. Every day we must wager our future on opinions that are less than certain. But it is one thing to say that the idea has been open to debate, has been tested, and though there may be some uncertainty, the time has come to act; and quite another thing to suggest that the need for action justifies a repression of discussion and action without any test of the validity of the program. Courage and incisiveness are necessary ingredients of the character of great men. But a touch of humility and an ounce of self doubt are equally becoming in his character and are fundamental essentials to freedom and the effective operation of democracy.

The world today is faced with problems more critical than at any other time in history. A century after the Emancipation Proclamation, this country and the world have been unable to resolve the problems of discrimination on the basis of race, creed or national origin. Crime, drug addiction and even terrorism are increasing at an alarming rate. Some of our leading scientists warn us that if we continue our present life style with its attendant increase in population and industrialization, the ecology of our planet will not be able to support life as we know it within a few short generations. A few men, not all within this nation, have it within their power, within a single irrational moment, to destroy all life on the planet by initiating the delivery of atomic, chemical or biological weapons of war. They possess this power at a time when these same governments have proved in the Far East, the Mideast and Czechoslovakia that they cannot resolve our international conflicts without resort to irrational force. If these problems and the many others that beset our civilization are to be solved, they will be solved by the free minds of inspired men and women, uninhibited by the threat of prosecution or persecution. We have reached a point in our history where government should go further than avoid repression of the rights of speech, press, and assembly and act affirmatively to encourage a greater exercise of this right by discouraging censorship or repression in the private sector of our society and finding new and more effective ways to open the media and the policy makers to communication with people who have ideas to express. It is time that the university's concept of academic freedom be extended to all of the community.

Ironically, however, the university which has uniquely encouraged freedom of speech and the press and the exchange of ideas without fear of recrimination is itself at this moment seriously and dangerously involved in the controversy over the freedom of opinion and the freedom of expression. The last decade has witnessed a flood of legislation directed at all phases of university activity, the appearance of the National Guard and municipal police on the campus, and the threats to withdraw financial support from the institution. These external events, together with the internal dissension that has existed at some institutions, has created a most serious threat to higher education. Not all of the legislation and other action was designed to restrict freedom of expression. Some of it concerned violence and other unlawful conduct on the campus. A significant part of this community response, however, was designed to restrict the expression of ideas advocated by students, faculty and guests on the campus and to interfere with lawful assemblies that gathered at the institutions. Some institutions have resisted the efforts to restrict free expression and academic freedom, but others have surrendered to the demands of some of the vocal elements of the community and enacted regulations that were ultimately challenged in the courts.

One of the arguments advanced by those who supported policies restricting free expression was that the First Amendment did not apply to the campus. The right to teach at the university or to attend the university as a student is not a right but a privilege. Since it is only a privilege, the state may grant or withhold that opportunity at its discretion. It is argued that, since the dismissal of a faculty member or a student is not a denial of a right, it is not protected by the Constitution, and the institution may place restrictions on that privilege without constitutional objection. Recent cases have rejected this argument. The liberties of the First Amendment are inalienable. Even if attendance is a privilege, the state cannot use the granting of that privilege as a consideration for a waiver of a person's basic constitutional rights. It would be intolerable if a government created by the people to protect their liberties were allowed to dispense favors on the condition that the citizen consent to the destruction of those liberties. The student and teacher do not shed their constitutional rights at the gate of the university. The Constitution applies to the campus in all its force. Indeed, Justice Brennan stated that the vigilant protection of First Amendment freedoms is nowhere more vital than in the community of American schools.

The second argument advanced against the application of the First Amendment is more limited. The argument amounts to a claim that the First Amendment does not apply to students. This claim, too, was clearly rejected in the case of Tinker v. Des Moines Community School District. In this case several high school students, with the consent of their parents, protested the war in Vietnam by wearing black armbands. Even though the schools had permitted students to wear campaign buttons and other symbols, they denied students the right to protest the war in this manner. When the plaintiff students refused to abandon the protest, they were suspended. The Supreme Court held the conduct of the students was symbolic speech protected by the First Amendment. In his opinion Mr. Justice Fortas quoted Justice Jackson's statement in the Barnett case:

"These [states and boards of education] have, of course, important, delicate and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth

to discount important principles of our government as mere platitudes."

School officials clearly have authority to control conduct when that conduct is not essentially expression. They have the right to develop and enforce regulations that will maintain an environment congenial to learning. But their fear that expression may cause some discomfort or unpleasantness is not enough to justify the suppression of dissent.

This, then, was the dilemma of university administrations. They could suppress freedom of expression, deny invited speakers access to the campus, and violate the First Amendment and academic freedom, or they could stand firm on these concepts and lose the support of the community that is basic and necessary for the success and growth of the institution. As the emotions and anxieties of the vocal groups inside the institution and in the outside community climbed higher and the rhetoric became more heated, the attempt by administrations to reconcile the forces became impossible. Some administrations gave priority to the need for good public relations and denied the university's facilities to speakers invited by campus groups because a substantial number of the community opposed the speaker's views or because the invitation or its timing was not in the best interests of the institution. Their decisions were condemned in the courts. Others defended the right of free expression on the campus and suffered the open hostility of the community and, in some cases, legislatures. In some states the legislators openly announced that the people owned the university and the time had come to pass restrictive legislation and curtail budgets to bring arrogant faculties and ungrateful students into line. No one can deny that within constitutional limits the university is subject to the power of the state. But in enacting this kind of legislation, the legislature is not dealing simply with faculty and students, but with an institution. Further, in exercising the power to control the institution the legislature is not dealing with the powers of ownership but a political power that is held in trust for all of the people of the state, and indeed for the hopes and aspirations of future generations. To act precipitously in moments of high anxiety to destroy the autonomy of the institution or its academic freedom will destroy the university and the vital purpose it serves, and violate the trust. The legislature can and should exercise powers relating to the institutions of higher education, but if it is to be true to its trust, those powers must be exercised with a high level of judgment, wisdom and restraint.

I do not mean to imply that the Legislature of this State has been repressive or that it has acted in ways that violate the trust its members have accepted. Indeed, I believe they have acted most responsibly. They have shared the anxieties and pressures that have existed in all our land, but they have responded with admirable restraint. While some unfortunate bills have been introduced, they have not been enacted, and the few bills that have become law are, in my opinion, reasonable and on subjects that are of legitimate legislative concern. The Institutional Council in the recent hysteria over speaker policies has courageously and explicitly reaffirmed its policy of an open campus and freedom of expression, and has received the editorial support of the local news media. It should also be noted that in this atmosphere of freedom students have acted with admirable maturity and that this is some evidence, at least, that liberty is our first defense against violence and rebellion.

If the government of the State is to act with wisdom in the exercise of these powers, it must be fully informed about the nature, the needs, and the conduct of affairs of the institution. In not meeting our responsibility to inform the public I believe we of the academic community have failed the larger community of which we are a part. To stand firmly in defense of institutional autonomy and academic freedom is not to deny the obligation to account to the community that created and supports the institution for our performance of the role that is vital to the welfare of that community. Too often, those of us who live in the academic world accept academic freedom as a basic truth that is understood by all, and when it is challenged, respond in anger rather than in the language of rational discussion. It is this reaction that leads others to the false conclusion that the academic community is arrogant and insensitive to community needs. It is our responsibility to initiate the discussion that will close this credibility gap. The faculties of universities throughout the nation, for instance, without adequate response, permitted small groups to use a false cry of academic freedom to justify violence, disruption, and unreasonable interference with the rights of members of the so-called establishment to speak on the campus. Indeed, our failure to continuously define and defend the boundaries of academic freedom has left that concept so obscure in the public mind that we must now spend more time defining what it is not rather than what it is.

Academic freedom is a part of the system of free expression expressed in the First Amendment. It is well defined in the 1940 statement of the American Association of University Professors.

"Institutions of higher education are conducted for the common good and not to further the interests of either the individual teacher or the institution as a whole. The common good depends upon a free search for truth and its free exposition.

"Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the students in freedom of learning. . . ."

The statement goes on to assert the right of the faculty member to freedom of thought and expression in research and publication, in the classroom and in his statements outside the university community. In 1967 the AAUP officially recognized the student's right to academic freedom.

Even though academic freedom has a different history and additional justifications, it is intended to protect the same basic values as the First Amendment. It protects the right to freedom of opinion, freedom of expression, and freedom of assembly from repressive action by the university as the First Amendment protects those rights from repressive action by the government or its agencies. Indeed, when the university is a state institution, the two clearly overlap. Both concepts protect expression but permit regulation of conduct when the nature of that conduct partakes more significantly of action than expression.

The statement of the AAUP attempts to make it clear that the right of academic freedom is not a special right given to the professor, or the student, for their benefit but one that they must enjoy if they are to perform the functions of teaching, learning and research. Its role in research is apparent. Since the function of university research is one form of the search for truth, the case for freedom in research has already been made in an earlier part of this lecture. The search for truth has no beginning or end. It is a ceaseless quest, with each scholar building on the developments and mistakes of those who have published before him. These publications may challenge cherished community values that are accepted as doctrine, but history provides an abundance of examples where the radical idea of today becomes the doctrine of tomorrow. There is no correlation between creative ideas and courage. Many constructive ideas are the product of the minds of timid men, and unless the author is protected from persecution, the search for truth will be slowed significantly. Academic freedom does not protect the author's ideas from criticism. Indeed, the demand that all ideas be subjected to critical analysis, evaluation and discussion is a part of that concept. It is designed to protect him from the personal persecution that is calculated to repress his idea and prevent its publication.

The relation of academic freedom to teaching seems more obscure in the public mind, even though in this area it is even more vital to the function of a university. The teaching function of a university has been described as the transmission of that knowledge to each succeeding generation. If knowledge is used in the sense of fact or information, the description is an unfortunate understatement. The university is not grades 13, 14, 15 and 16 of the public school system. If there is any justification in the classification of the university as an institution of higher education, it is that its purpose is to develop the higher functions of the student's mind. Its purpose is to introduce the student into the world of ideas, values, and abstract concepts, and to train him in the skill of using those concepts to solve problems. It deals with the creative and imaginative centers of the mind to the end that the next generation can create new ideas to solve problems that have not yet come into being. It attempts to teach him to express those concepts in all forms, including literature and the arts. In this sense academic freedom is fundamental to the concept of a university. Without the free flow of ideas, training in the creation and use of abstract ideas is impossible.

It is not enough to do this with good ideas and exclude those that are bad. In the first place there is no reason to believe that university administrators and faculty are made of stronger stuff and are any less subject to the corruptive influence of power than any other citizen. Once a group of university officers are given the power to censor ideas, their own bias and needs are as likely to influence their judgment as are the opinions of any other group. The decision to deny William Buckley the right to use the facilities of Hunter College because his opinions were not acceptable to a significant number of the community or to deny Dick Gregory the right to speak at the University of Tennessee because the invitation and the timing were not in the best interests of the institution does not generate confidence in the capacity of this group to restrict anything as precious as liberty.

There is, however, a more important reason for permitting the freedom of invalid opinions, even if they could be identified. The teaching purpose of a university is to train students to work with ideas. A part of that education is to assist students to learn the skills of analysis through which ideas can be analyzed critically and objectively and to help them to formulate a value system by which they can reject the invalid suggestions and embrace the valid ones. In the terms of an old cliché the purpose of a university is not to make ideas safe for the student but to make students safe for ideas. It is quite apparent that this vital part of the educational process cannot be performed if the only ideas the student is allowed to examine are censored and screened to assure that he obtains only a consistent diet of ideas that support a limited political, social and economic philosophy. In the words of John Stewart Mill:

"But the peculiar evil of silencing opinion is that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion still more than those who hold it. If the opinion is

right, they are deprived of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."

This concept of a university cannot exist without academic freedom. Its purpose to train students to evaluate ideas can only exist in an open community that encourages a free exchange of ideas. Any institution that denies academic freedom and denies the principles of the First Amendment cannot properly be called a university, and the training its students receive may be called an indoctrination, but it can hardly be called an education. If students want to hear extremists and discover what makes them radical, it should not cause great concern provided it is made abundantly clear that the speakers do not represent the views of the university. Unless we have badly failed our assigned task, the students will be able to cope with their arguments. I have a strong faith that in an honest and open forum the cause of liberty, freedom and human dignity will triumph over all challenges of authoritarianism and anarchy.

The current struggle around academic freedom and the application of the First Amendment to the campus has involved two basic issues; protest demonstrations by students and the speaker policies of universities. It is, perhaps, appropriate to say a word about each of these issues. Both issues have been discussed in a recent Oliver Wendell Holmes lecture delivered by Professor Charles Alan Wright of the University of Texas.

The First Amendment and academic freedom were both designed to protect the freedom of expression and the freedom of assembly. They provide no protection for conduct when that conduct is not a means of expression but principally a form of action. Neither the First Amendment or academic freedom provides protection for violence, even when that violence is committed in the name of protest. The concept of academic freedom makes the university a sanctuary for ideas, not a sanctuary for violence and lawlessness. Wandering groups burning and destroying buildings, throwing rocks and assaulting citizens are performing no academic function. They are subject to sanctions imposed by the state if they violate the criminal code and by the university if they violate university regulations.

Groups who present non-negotiable demands backed by threats of violence and those who prevent a speaker from addressing an audience by violence or disruption and force cancellation of the meeting are engaged in action, not expression, and cannot claim the protection of the First Amendment or academic freedom. Indeed, such conduct denies the meaning of our American heritage and the very concept of academic freedom. It makes the claim that the ideas of those engaged are based upon a higher morality, an omniscience claimed by ancient monarchs, that puts their ideas above the test of public debate and permits them to use force to exercise a power of censorship they would deny others. It is the same position and the same kind of conduct that have been condemned by Milton and every other liberal writer. It is as much a violation of academic freedom as the action of a university president who will not allow students to invite George Wallace or Dick Gregory to speak on the campus. While this kind of case has not reached the Supreme Court, the Tinker case has indicated that the school might act when action materially and substantially interfered with the requirements of appropriate discipline. The university is set aside for research and learning and the institution has an obligation to maintain an environment in which those functions can be performed. When protest disrupts that environment and materially and significantly interferes with the achievement of these ends, it goes beyond expression and becomes action that can be regulated and subject to sanctions imposed by the state or the institution.

Not all of the non-violent disruptions are of this nature. In many cases the students have expressed what they believe is a legitimate grievance. They have exercised their right of free speech but have not been heard by those who have the power to make decisions. Totally frustrated by the bureaucracy of the government or the university, they have resorted to non-violent disruption to gain the attention of those who have the power to redress these grievances. Under these circumstances wisdom and justice may well require that this conduct be treated with understanding and forbearance, despite the wrong involved. But forbearance is a matter of judgment and discretion; it is not commanded by the First Amendment or academic freedom.

The right to impose sanctions for material disruption of the university's purpose does not justify any repression of expression. The right to speak, the right to hear, and the right to peacefully assemble are protected by both academic freedom and the First Amendment, and, in case of doubt, the university, like the state, must weight the scales in favor of free expression.

The right to speak does not include the right to speak at any time or place the speaker chooses. The First Amendment and academic freedom are protections of speech, not invitations to chaos. The university cannot accede to the demand of two organizations that they be permitted to hold independent meetings in the same room at the same time. The Constitution does not require that a student be permitted to address a class in pharmacy on his opposition to the Vietnam war. The First Amendment permits reasonable regulation of the time, place and manner of any meeting or presentation. This power, however, permits the university to regulate the physical aspects of the presentation; it does not permit any regulation of the subject matter of presentation. It would permit the university to designate the areas in which advertising could be posted, to designate the areas in which voice amplification could be used. The institution can designate the area in which demonstrations or speeches may be held to avoid interference with classes and other functions of the university. It is probably broad enough to prohibit demonstrations or speeches in some buildings in which they are peculiarly inappropriate; for example, the library. The regulation cannot be so broad as to repress protests, demonstrations, or expression. All regulations must be reasonable and non-discriminatory. All regulations must bear a reasonable relation to the purpose coordinating the activities, including the demonstrations or speech presentations, with a minimal interference to each activity. It cannot discriminate between various activities on other grounds. It is particularly clear that the institution cannot discriminate on the basis of subject matter or the persons or groups involved. Any attempt to use this power as a facade to permit censorship or repression of freedom of assembly will surely be rejected by the courts as a violation of the First Amendment and be resisted by the academic community as a violation of academic freedom.

The second issue involved in the current attack on academic freedom involves the policies that govern the right to invite speakers to the campus. The appearance of Jerry Rubin on the campus of the University of Utah is an example of the national reaction to similar speakers. The reaction was immediate. It varied from reasonable concern to hysterical demands that all appropriations to the university be terminated. The one common characteristic of the reactions of those opposed to a policy of an open society was the demand that the university exercise a power to deny the facilities of the university to those who, because of their own reputation, the subject matter of their speech or the nature of the presentation, would offend a significant part of the community. This was not a demand that those who violate a law that is constitutional be prosecuted for that violation, but a clear call that the university exercise a power of censorship. It is a demand that the university impose a prior restraint and deny a speaker the right to express his opinion because of what he might say. It was a demand that insisted the university ignore the Supreme Court's opinion in Near v. Minnesota and reverse the progress of liberty beyond the American Revolution and beyond the time of Blackstone who had written: ". . . this [freedom] consists of laying no previous restraint and not in freedom of censure for criminal matter when published. It indeed would turn back the clock to 1644 and Milton's protest to Parliament.

The problem of the student demonstrations was a mixture of action with protest and raised difficult issues of whether it was expression that must be left free or action that could be regulated. Speakers are expression in its pure form. To impose a prior restraint on this form of expression in absence of a clear and present danger clearly violates the First Amendment. It is possible that a university could exclude all speakers, but I know of no institution that has adopted such a drastic and destructive policy. Once however, a university has opened its doors to speakers, its regulations must meet the test of the First and Fourteenth Amendments. The regulations cannot be arbitrary or vague and they cannot discriminate among speakers or those who invite them on the basis of the speaker, the nature of the organization inviting him or the subject matter of his lecture.

Some institutions have attempted to draft regulations that prohibit the appearance of certain types of speakers on campus. These regulations have been tested in the courts. In each case, the regulations have been declared unconstitutional. It is significant that, after an extensive search, I have been unable to find a single case that has sustained a restrictive policy. The cases clearly sustain the right of the inviting group to hear a speaker of their choice, as well as the right of the speaker to express his opinions, as a right protected under the First Amendment. Under these cases the university cannot deny the use of the institution's facilities to a speaker because he has been convicted of a felony, because he has advocated the overthrow of the government by force and violence, because he has advocated the commission of a crime, because he is a known member of the Communist Party, because he has pleaded the Fifth Amendment to inquiries about membership in the Communist Party, or because he is a political candidate or wishes to speak in behalf of a political candidate. The university may not require a speaker or the group inviting him to execute an affidavit that the speaker is not a member of the Communist Party or that he will not publicize the subversive activities of that organization. Regulations that have limited speakers to those speakers whose views are compatible with the educational aims of the institution or that deny the right of students to extend an invitation to a speaker when the invitation or its timing is not in the best interests of the university are equally vague and violate the First Amendment. After reading the cases, I can only concur in the statement of Professor Wright that "I am strongly tempted to believe that the only good speaker ban is the one that has not been tested in the courts."

From what I have said, it is clear that I believe that speaker bans violate the commitment to academic freedom as well as the

First Amendment. The university does not support the views of the speaker nor does it confer any real or imaginary honor upon him. Every year speakers representing all shades of the spectrum of opinion appear on the campus. Whether their views are radical or moderate, liberal or conservative, they are not the views of the institution. The university is and must be essentially neutral. These ideas are the grist for the university mill. The speakers, their opinions and their language are not imaginary matters invented by the institution. They are real people and real issues with which our students must cope after graduation. It is the function of the university to teach students to cut through the rhetoric and militant anger, to objectively analyze, criticize and evaluate a speaker's ideas to the end that they can respond responsibly and effectively after graduation when they become the trustees of governmental power. To attempt to hide the existence of these speakers and their opinions from adult students is futile. It denies not only those who want to hear them their right to hear but denies the constitutional rights of all students, for it suggests that someone else is more capable than they to determine what they may hear and know. It was best expressed by Milton some three centuries ago when, in speaking of censorship, he said:

"What do we do but censor them for a giddy, vicious, and ungrounded people; of such a sick and weak state of faith and discretion as to be able to take nothing down but through the pipe of the licensor."

If students want to hear these speakers, I believe they should, for I have strong faith that they can cope with them, and that in the honest and open forum of the university, liberty and human dignity will triumph over any doctrines of authoritarianism or anarchy that speakers may bring to the campus.

While I have defined academic freedom as a part of a system of free expression expressed in the First Amendment, it is in another sense different. The concept of academic freedom is broader in its scope than the First Amendment, and this is a difference that commends itself to the nation. The First Amendment is designed as a limitation of government power. The concept of academic freedom goes further to place an affirmative obligation on the institution and its members to encourage the free exchange of ideas. Under its demands the universities provide platforms for speakers, journals for publication, time and opportunity for faculty and student research and creative effort, and sponsorship of speakers and symposiums where ideas may be exchanged to the end of advancing the search for truth. Further, while the First Amendment applies only to government, agencies and representatives of those agencies acting in an official capacity, academic freedom applies with equal force to public and private institutions and to all members of the academic community whether they are acting in an official or private capacity. It demands that all members of the academic community accept the rights of all others to think, to speak, to hear and to learn.

Government has no monopoly on repression of freedom of expression. Throughout our history, repression in the private sector of our lives has been more extensive and often more destructive of liberty than the official conduct of our public servants. Our current history is no exception. Employers discharge employees because they fear that the employee's opinion will undermine the good will of the company and reduce sales. People with unpopular ideas are expelled from an organization or denied membership in an organization. Small groups engage in violence or other disruptive tactics for the announced purpose of preventing a speaker from expressing his point of view. Individuals and groups vilify the character of another, solely to suppress his opinion and his right to express it. These examples can be multiplied. The First Amendment is more than a proscription on government. It is a declaration of policy that is fundamental to the concept of American liberty. If we believe in that concept, then the policy must apply to each of us individually and impose a moral, if not legal, obligation to accept and abide by its declaration.

America will justify the faith of those who fought our revolution and conceived our nation as one dedicated to liberty only when we, the people of the United States, can cease talking about tolerating our fellow man and accept the fact that all men are created equal and are endowed by their creator with the inalienable rights of life, liberty and the pursuit of happiness. We will narrow the gap between our ideals and our reality only when we are prepared to defend the right of human dignity of every man, regardless of race, creed, or national origin, with the same energy and dedication with which we defend our own claim to that right. We will reach that maturity as a nation that can justify our claim to the capacity to govern ourselves in freedom only when we can progress beyond tolerating free speech and can cultivate that touch of humility that will permit us to doubt the perfection of our own opinions and to accept the right of others to criticize them. We will reach that maturity when we can listen, cut through the wild rhetoric or stuffy clichés and search for that small insight that will further our search for truth and understanding. We will discover the America conceived by the Patriots who fought the revolution, when each of us, as individuals, can honestly join Thomas Jefferson in the oath he took when he penned the words: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

## A GREAT PRESIDENT: DANIEL L. GOLDEN

### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. PATTEN. Mr. Speaker, Daniel L. Golden, of South River, N.J., recently completed a memorable term as president of the New Jersey State Bar Association.

He was more than a distinguished president; he was a great one—in both achievements and inspiration. A talented lawyer, a man of deep compassion and great integrity, Dan Golden was one of the best presidents in the long history of the State Bar Association.

The lead editorial in the New Jersey Law Journal of May 20, 1971, which follows, reveals some of the qualities that have made Dan Golden the great man and leader he is and I am very proud and honored to be one of his many, many friends:

PRESIDENT DANIEL L. GOLDEN

Dan Golden made his final report as President of the New Jersey State Bar Association at its 73rd annual meeting in Atlantic City on May 15, 1971. It was a fruitful year for Dan and the Association. Although its 8000 members seldom speak to any significant issue with unanimity, in recent years devisive forces have been polarizing the bar somewhat reminiscent of the split within the bar over constitutional reform prior to 1947. It is a credit to Dan's intelligent leadership that he was able to hold together these divergent elements so as to make significant contributions in many areas, such as court congestion, judicial selection, divorce reform and compensating victims of crime.

A past President of the Middlesex County Bar Association, he has been active in many civic, charitable and bar organization activities for many years. He has participated in numerous conferences with lawyers, judges and law students around the world in conjunction with trips sponsored by the United States Department of State, the American Bar Association World Peace Through Law Program and the New Jersey State Bar Association.

With intelligence and understanding, this articulate, dignified man has served well the lawyers of New Jersey and the State Bar Association. For that the bar is sincerely grateful.

## A COMMUNITY OF LEARNING

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. SCHEUER. Mr. Speaker, I should like to draw the attention of my colleagues to the excellent remarks of Dr. Ernest L. Boyer, chancellor of the State University of New York, at the commencement ceremonies of Tel-Aviv University in Tel-Aviv, Israel.

Dr. Boyer emphasizes that in this "global village" of ours, the chancellor of the State University of New York can feel very much at home thousands of miles from New York at another university in Tel-Aviv. This is so not only because television, supersonic jets, and communications satellites have caused our world to shrink, but also because the two universities share a common heritage, common concerns, and are moving toward common goals.

Mr. Speaker, Dr. Boyer's remarks are significant and should be of interest to my colleagues:

A COMMUNITY OF LEARNING

(By Ernest L. Boyer)

INTRODUCTION

It is a special pleasure to be with you tonight on this happy and significant occasion. I am profoundly honored that my first visit to Israel should have been at the invitation of the Tel-Aviv University and its distinguished President, Dr. George S. Wise.

I wish to extend to the graduates my warmest congratulations for having chosen a great University and for having completed successfully your program of study. I am convinced the days ahead will for each of you be marked by much success.

I

Let me begin with the obvious. My first impression, upon arriving in Tel-Aviv, was of how incredibly small is our world of 1971. I know it is hardly original by now to emphasize how television, supersonic jets, and communications satellites have created what Marshall McLuhan calls a "global village," or, to change the metaphor, how they have made us all passengers—voluntary or involuntary—on what Buckminster Puller calls the "Spaceship Earth." No one who has studied the Astronauts' photographs of the earth can ever again feel quite the same about the dimensions of our little planet as it makes its way through space.

Two days ago, I participated in a com-

mencement ceremony at the University of Southern California in Los Angeles. Now, 48 hours later, I speak to you here at the Tel-Aviv University—more than 8,000 miles away!

What would my own ancestors have thought, ancestors who previously crossed that same ocean over two hundred years ago. What would they have thought of a world in which oceans have been reduced to the status of lakes, and in which the distant "New York City" of which they spoke with such awe in their peasant cottages, and the "Israel" of which they read with such reverence in their ancient German Bibles, have become items in the television news round-up, glamorous posters in a travel office window, and entries in the flight schedules of TWA, BOAC, and El Al.

Our world indeed *has* grown almost inconceivably smaller and interlocked, and we are only beginning to adjust—emotionally, politically, *and educationally*—to this stunning fact.

II

But what struck me most forcibly upon my arrival here was not the technological miracles which make it possible for wandering academics to hold forth one day on the shores of the Pacific and two days later by the Mediterranean Sea. It was rather my acute sense that here at Tel Aviv University—in a new city, a new country, and yet in an ancient part of the world—I was *at home*, I was among my own.

The campus, the library, the lecture rooms, the laboratories, the students and the teachers—all seemed satisfyingly and comfortably familiar. Through this experience I have been reminded again that Tel Aviv University, the University of Southern California, the campuses of the State University of New York which I know so well—and all the other universities I have visited over the years—are somehow inextricably and intimately linked.

And this "oneness" transcends, I think, the mere fact that all these institutions are now within a few hours of each other by plane and within instant communication by cable and satellite.

Technology has unquestionably brought the world's universities closer together physically, but this fact only underscores a *spiritual* and *intellectual* affinity which is far older and far more profound.

Whatever our passports may say, to whatever flag we may bear allegiance, those in higher learning—whether students, teachers, administrators, or simply interested supporters—are joined together in common effort, in common purpose—citizens, if you will, of the worldwide community of learning.

This recognition, so vivid to me as I stand before you here in Tel Aviv, has, in fact, dictated the thrust of my remarks tonight. What, I asked myself, is the nature of this international community of scholarship? What sustains it? What implications does its existence have for the future?

These are some of the questions to which my mind turned as that jet bore me toward Israel.

III

To begin at the most fundamental level, the world's universities are united by a *common history*—a *shared tradition*. It is a tradition rooted, ultimately, in human curiosity—the desire to know, the impulse to hack away a bit at the forest of mystery and ignorance. "The field of knowledge," wrote Thomas Jefferson, "is the common property of mankind."

All universities of the twentieth century, whether in Tel-Aviv or Los Angeles or New York—or, for that matter, in Lagos or Dublin or Peking—bear witness to this tradition to inquiry stretching back into antiquity. It is, I suppose, the tradition to which James Bryant Conant of Harvard referred in 1936 when he somewhat grandly declared: "He who enters a university walks on hallowed ground."

From this ancient legacy of organized inquiry have sprung all the so-called disciplines with which we are familiar, each with its distinctive vocabulary, literature, and methodology. As an audiologist, for example, I inevitably feel a surge of fellowship for anyone who shares this particular professional interest, on whatever campus I find him. I know you feel the same.

Certain fields have long transcended national boundaries, but now nearly every subject of scholarly analysis must be worldwide in its focus, or remain incomplete. Can any student of urban affairs be ignorant, for example, of Tel-Aviv's growth from the sand dunes of 70 years ago? Can any serious soil scientist or hydrologist fail to be excited by what is happening today in the Negev?

IV

All this suggests a second point: The international community of scholarship is rooted not only in a common heritage but also in *shared concerns*.

Increasingly, the dilemmas of our time are shared by people the world over. The problems we face together leap oceans and frontiers without the help of visas or customs inspections.

For example, . . . we are all confronted by the social upheavals which result when workers are pushed aside by mechanization and the new technology.

We are confronted by the tangle of troubles which arise in urban concentrations which seem the inevitable by-product of modern life.

We are confronted by man's pollution—pollution and destruction which know no national boundaries. Industrial or other wastes pumped into the earth's atmosphere or waterways by one nation may vitally affect citizens around the world.

And just below the surface of these headline issues, the more chronic human worries still remain.

There is the continuing desperate struggle for food, water, shelter, and medical care which confront so many inhabitants of our globe.

The soaring population growth in countries already barely able to survive.

The harsh fact of discrimination based on ethnic, racial, or religious differences.

And, most frustrating of all, the stubborn streaks of poison in man's own nature which continue to spawn conflict, aggression, and war.

In an age marked not only by shrinking travel times, but also by massive armaments with the potential for global destruction, these persistent problems are, in the most immediate and literal sense, the concern of all of us.

"No man is an island, entire of itself. . . . Any man's death diminishes me, because I am involved in mankind"—the interconnected of all human life is even more true today than it was when John Donne penned his famous lines in the 1590's.

These global concerns press with particular urgency upon the *universities* of the world, for the fate of the university is utterly dependent upon the fate of the human race itself.

Do not misunderstand me. I am no Dr. Pangloss. I do not suggest that the world of higher education possesses the magic formulas to instantly resolve these urgent issues. We can no longer quite agree with H. G. Wells who wrote that human history has become "more and more a race between education and catastrophe." Catastrophe looms even more menacing than it did in Wells' day, but we are no longer quite so positive that even education will save us.

But I do believe that the university, with its tradition of research and a willingness to confront the difficult questions, is the institution to which society has the right to turn with expectancy and urgency as it grapples with the menaces we face.

V

But if the community of scholarship is confronted by a common set of problems, it is also—so far as I have been able to observe it—determined to *respond to those challenges in a creative and responsible way*.

And here I feel there exists a particular affinity between your institution and my own, the State University of New York.

In the first place, we are both *young* institutions—twin artifacts, as it were of the modern world. The State University of New York was created in 1948, just a few weeks, by interesting coincidence, after the State of Israel came into being.

And our story, like yours here at Tel-Aviv, has been one of rapid—even dramatic—expansion. I have read with interest of your own record of growth. It is a heartening record, and one which proves the continuing vitality of the university tradition. Ancient in its roots and trunk, the world university community is continually thrusting out fresh green shoots which soon flourish into sturdy branches.

Similarly, the State University of New York has grown from a few scattered schools in 1948 to a network of 69 campuses, including university and medical centers, two-year colleges, community colleges, and urban centers—even a fashion institute and a maritime training college.

But, like you, we have also faced the mountain of problems associated with dynamic growth. Like you, we find ourselves unable to accommodate all of those who seek and deserve admission.

But—again like you in Tel-Aviv—we are grappling with these problems with confidence and enthusiasm, convinced that they are evidence of vitality, not symptoms of decay.

But, as I have suggested, the *central reason* for the affinity between our two institutions is the fact that we are both intimately linked to the communities of which we are a part. We are both, I think, determined to respond creatively to the problems of our day.

Again, I have read with admiration of your technical and professional training programs—programs which show a keen sensitivity to contemporary needs without slighting the scholarly tradition. I have noted, for example, your continuing medical education, your School of Jewish Studies, and your recently established David Horowitz Research Institute for Developing Countries. Though on a vastly larger scale, you are remaining true to your heritage, which called for the establishment of a municipal school in Tel-Aviv to train the young people of the town in law and economics.

We at the State University of New York feel a similar obligation to plunge into the maelstrom of pressing problems. Our graduates enter in the scholarly professions, medicine, nursing, law, business, and government. We are pushing research in urban and environmental studies. At urban centers, disadvantaged young people are preparing to enter the University or acquiring technical skills in order to lead useful and productive lives.

Our goal is that no young person in the State of New York who can profit by higher education should be denied the *opportunity* for continued study. It is an ambitious goal—but what other could we set for ourselves without betraying our young and undermining our future?

Because of this particular affinity between our two universities, I am especially gratified to have been invited to Tel-Aviv. In a very real sense, I come as a representative of a sister institution. I am delighted, too, by our interinstitutional cooperation, par-

ticularly the annual student and faculty seminars in Israel directed by Professor Yonah Alexander of the State University of New York—a program in which Tel-Aviv University is very much involved.

I believe such programs will flourish and expand, rooted as they are in our growing recognition of our common bonds.

CONCLUSION

These, then, are some of the reasons why I so quickly felt at home when I set foot on the grounds of Tel-Aviv University. We are united by a common heritage, we share common concerns, and we are moving confidently toward common goals.

I do not wish to exaggerate the present strength of this community of scholarship. It is still a fragile fabric, too often strained and torn by the stresses and conflicts which divide our world.

And I recognize that many today—some within the academic community—seem to be turning their backs on international problems and international cooperation.

And obviously, too, each University, like each individual, has its particular heritage, its special accomplishments, its unique gifts. I would not alter that uniqueness if I could, for I cherish institutional diversity, just as I cherish the differences of people.

But when all is said and done, the fact remains that the *community* of learning *does* exist. It is gaining year by year in strength and in self-awareness, and I am convinced that it represents one of the most promising signs of hope on a horizon which so often looms stormy and forbidding.

I shall take with me from Tel-Aviv, and perhaps leave here with you as well, a deepened awareness of the reality and the promise of this community.

I wish you well here in Israel, and I solicit your interest as I return to America, for—though widely separated geographically—we are co-workers in the same great enterprise. We embrace in the exciting and unending search for truth.

## SUPPORT FOR THE PRESIDENT

### HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

*Wednesday, June 23, 1971*

Mr. BOGGS. Mr. President, The Peninsula Annual Conference of the United Methodist Church has adopted a resolution which I think indicates the broad base of support for the administration's policies in Southeast Asia.

The Peninsula Annual Conference includes all the United Methodist Churches in the State of Delaware and those in nine Eastern Shore counties in Maryland.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

RESOLUTION PASSED AT THE PENINSULA ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH—MAY 25-28, 1971

Whereas, there is serious erosion of moral sensitivity of the American people in regard to war, death, and destruction; it is time for Americans of every religious persuasion to take another look at the spiritual, moral, political, and economic implications of United States policy in Indochina, and to register our convictions, be it

*Resolved*, That we support the President of The United States in his policy of de-escalation of the Vietnamese war, so that:

A cease-fire can stop the death and destruction;

Negotiations can move ahead;

All prisoners can be set free;

Domestic priorities can be met; and

The youth of American can have new hope.

## RESOLUTIONS OF THE NATIONAL BOARD OF PRO AMERICA

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. SCHMITZ. Mr. Speaker, the following resolutions were adopted by the national board of Pro America at their meeting of April 27 to 30, 1971. I would like to insert these resolutions into the CONGRESSIONAL RECORD at this point for the attention of my colleagues.

ACCOMMODATING RED CHINA

Whereas, The recent close vote of the United Nations denying admission of Red China to the United Nations, recent organized agitation for United States diplomatic recognition of this totalitarian regime, and the recent relaxation of trade and travel restrictions, indicate a possible imminent change in the United States relationship with this communist country; and

Whereas, Nothing has changed the fact that the totalitarian government of Communist China is one of the most oppressive regimes on earth, and that there are still no legal, moral or political grounds for the admission for this communist country to the United Nations, nor would any benefits to world peace and stability accrue by the admission of Red China to the United Nations; and

Whereas, If the American concept of representative government is to have any meaning at all, we must never accept any regime that brutally enslaves and murders human beings; and

Whereas, By diplomatic recognition and its accompanying trade and financial benefits the United States saved the Soviet Union at a time when its collapse was imminent; similarly may any future recognition of the Communist China dictatorship or its admission to the United Nations provide probable desperately needed assistance to Mao's ailing regime; and

Whereas, Diplomatic recognition or admission to the United Nations of the Communist Chinese regime would be a great disservice to the free-world and would do immeasureable harm to the hopes for freedom of the Chinese people; now therefore be it

*Resolved* that the National Association of Pro America strongly oppose any diplomatic recognition of Red China or its admission to the United Nations.

CUBAN COVER-UP

Whereas, The President of the United States in his January 1971 television interview said that the servicing of nuclear submarines in Cuba or from Cuba would be a violation of the so-called "1962 understanding" between President Kennedy and the Soviet Union, as expanded, and that he expected and believed the Soviet Union would abide by their understanding; and

Whereas, According to the excellent recent report of Paul Scott and other reliable intelligent reporters, Naval Intelligence had theretofore advised the White House that late in December, 1970, a Soviet submarine tender operating from Cienfuegos, Cuba, in Caribbean waters carried out servicing exercises with three Russian submarines, including one nuclear-powered submarine; now therefore be it

*Resolved* that the National Association of Pro America hereby ask the President and Congress to tell the American people the true and full story of Soviet activities in Cuba.

GIVE-AWAY OF SEABED RESOURCES

Whereas, President Nixon, in a special message to Congress on September 15, 1970, has proposed adoption of the Seabed Treaty;

*Be it resolved* that the National Association of Pro America reaffirm its Resolution No. 294, adopted in 1968; and be it further

*Resolved* that the National Association of Pro America emphatically proclaim that the proposed treaty to internationalize the seabed under the dominion and control of the United Nations would be a calamity of immeasurable proportions to the United States, and a disastrous give-away of natural resources.

JUSTICE WILLIAM O. DOUGLAS

Whereas, Justice Douglas has written "Points of Revolution", advocating revolution; and

Whereas, Justice Douglas's conduct both in and outside the Court is highly questionable; now therefore be it

*Resolved* that the National Association of Pro America support all congressional efforts for an investigation and removal of Justice William O. Douglas from the Supreme Court of the United States.

RESTORE STATE JURISDICTION OVER OBSCENITY

Whereas, The confusion created by decisions of the United States Supreme Court and the Federal Courts is the heart of the pornography problem; and

Whereas, The best and only way to dry up the floods of pornographic filth flooding this country is by vigorous and effective enforcement of state laws against obscenity; and

Whereas, The inability to control this pornography is due to the incredible permissiveness of the United States Supreme Court and Federal Courts in the name of free speech so that state convictions are subject to reversal on appeal to the Federal Courts; and

Whereas, The Supreme Court has usurped legislative powers in areas reserved by the United States Constitution to the States in defiance of the intent and plain language of the framers of the Constitution and of the 14th Amendment; and

Whereas, Supreme Court Chief Justice Warren Earl Burger in an address recently to the American Bar Association complained particularly of the increasing multiplication of appeals to federal jurisdiction of state criminal convictions which in one class were 140 times greater last year than in 1940, and then stated that the settlement of this problem at the state level would "eliminate a major source of friction between State and Federal systems"; and

Whereas, Congress has the power to strip all of the Federal Courts including the Supreme Court of the right to hear appeals from state jury convictions for obscenity; and has in fact in the past stripped the Federal Courts of their right to hear certain appeals and the Supreme Court itself has affirmed the Constitutional power of Congress to do this; now therefore be it

*Resolved*, That the National Association of Pro America urge that Congress act to strip the Federal Courts including the Supreme Court of the right to hear appeals from State jury convictions for obscenity as the Constitutional way to curb the pornographic filth eating away at the moral fiber of our country.

SEDITION

Whereas, There are organizations and individuals who have declared their intention to overthrow the government of the United States; and

Whereas, Violent revolution and guerrilla-type warfare are being promoted and conducted against law-enforcement agencies; and

Whereas, Laws governing SEDITION and TREASON are available to the United States Attorney General; now therefore be it

*Resolved,* That the National Association of Pro America calls upon Attorney General Mitchell to enforce immediately the laws dealing with sedition and treason; and be it further

*Resolved,* That copies of this resolution be sent to President Nixon, Attorney General Mitchell, and all members of the Subversive Activities Control Board.

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PROPOSED "CONSTITUTION FOR A UNITED REPUBLICS OF AMERICA"

Whereas, The Constitution of the United States of America, based upon Christian concepts and eternal principles, established a representative republican government of strictly limited, delegated powers, assuring justice and liberty under law for its citizens; and

Whereas, The Constitution contains within itself the provision for any alterations in structure deemed necessary to meet the changing circumstances; and

Whereas, The proposed "Constitution for a United Republics of America", authored by Rexford Guy Tugwell and his associates at the Center for the Study of Democratic Institutions, is a blueprint for despotism, providing for complete annihilation of the 50 sovereign states with their political subdivisions, every vestige of civil authority, representative government, private property rights, the unique American system of jurisprudence, and all individual liberty; and whereas since there is no provision for ratification and the proponents of this proposed "Constitution" boldly admit that "both the present Congress and the existing states will be adversely affected by what must be done" and can thus be expected to resist, the assumption is inescapable that it is to be implemented by the forcible overthrow of the United States government; be it

*Resolved,* That the National Association of Pro America urge its members to familiarize themselves with the provisions of this so-called "Constitution", and do their utmost to expose its plan for a revolutionary takeover.

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CLEAN OUT THE STATE DEPARTMENT

Whereas, The forced return of the Lithuanian defector, Simas Kudirka, to the Russian ship from the United States Coast Guard vessel, "Vigilant" is a national disgrace; and

Whereas, There is evidence that a submarine base is being established by the Russians in Cuba, and the very real probability that previously placed missiles were never removed; and

Whereas, The State Department is responsible for the execution of foreign policy in protection of the United States national interest; now therefore be it

*Resolved* that the National Association of Pro America strongly call upon President Nixon to "clean out the State Department" in the interest of national security of the United States.

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RESOLUTION ON THE INTRUSION OF THE FEDERAL GOVERNMENT INTO LOCAL LEGAL AND POLICE AFFAIRS

Whereas, the federal government is using various avenues and agencies whereby it is intruding into local and state legal and police operations such as the Legal Services Program of the Office of Economic Opportunity and the Law Enforcement Assistance Administration in the Department of Justice; and

Whereas, Although federal programs are always taken in the name of aid or economy the end result is always Federal control; and

Whereas, The philosophy back of programs such as LEAA is that the poor performance of local police departments is the cause of the rising crime rate, but in cities receiving LEAA funds the crime rate is found to be rising faster than in previous years; and

Whereas, The cost of LEAA activities has risen from $63 million in 1969, the first year, to $650 million in 1972 with a projected future allotment for 1973 being from $1 billion to $1.5 billion; and

Whereas, There is grave danger that such federal funds and controls added to the recent computerized and automated programs being used by government could lead to a national police force;

Therefore be it resolved that the National Association of Pro America stress the importance of keeping local law enforcement completely independent of outside control, and urge an end to intrusion by the federal government into areas which the Constitution left to local and state governments; and be it further

*Resolved* that the National Association of Pro America hereby reaffirm active support of local law enforcement agencies and urge greatest protection possible for police officers.

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VOTING AGE CHAOS

Whereas, Article 1, Section 2 of the United States Constitution provides:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous Branch of the State Legislature."

and

Whereas, The recent decision of the United States Supreme Court ruling that Congress could reduce the voting age qualifications to 18 years of age of persons voting for members of Congress and the President contrary to State requirements is a clear and blatant repudiation of the Constitution;

Now therefore be it resolved that the National Association of Pro America support legislation proposed by Congressman John G. Schmitz to repeal the Federal Statutes requiring reduction in the voting age to 18 as the only way to resolve the obvious chaos promised by this decision; and be it further

*Resolved* that the National Association of Pro America urge its members and members of the Bar and Judiciary to speak out against judicial destruction of our Constitution and to heed the following warning of President George Washington in his Farewell Address:

"If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon for which free governments are destroyed."

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ABROGATE ALL UNITED NATIONS TIES

Whereas, The United Nations was largely a communist creation as evidenced by the facts that Alger Hiss presided at both the conference drafting the charter and the founding of the organization, and that an overwhelming number of the men listed in the United States State Department document entitled "Post War Foreign Policy Preparation 1939 to 1945" as shaping United States policies leading up to the creation of the United Nations have since been identified in sworn testimony as secret communist agents; and

Whereas, By reason of a secret agreement at its inception, the United Nations Office of Undersecretary General for Political and Security Council Affairs which has the responsibility for all military, disarmament and atomic energy matters for the Security Council of the United Nations has always been an open communist from a communist country; and

Whereas, The Secretary-General U Thant is himself a self-proclaimed Marxist stated in April, 1970, "Lenin's ideals . . . are in line with the aims of the United Nation's Charter"; and

Whereas, In the United Nation's General Assembly 10% of the world's population contributing only 5% of the United Nation's budget can control ⅔rds of the vote, and the total population of 65 member nations is less than that of the United States with even such tiny countries as Gabon, which has only ⅓rd the population of the Bronx, having 1 vote equal to that of the entire United States; and

Whereas, By agreement at the launching of the United Nations the USSR was given 3 votes to the 1 vote of the United States by the fiction of dividing the USSR into 3 parts; and

Whereas, United Nation assessments against the United States are greater than the combined assessments of 107 members and most of the nations are years behind in their dues; and

Whereas, It is currently planned to expand the facilities of the United Nations through purchase of two full blocks of extremely valuable property in Manhattan and the construction of expanded office space and residential facilities for United Nations personnel for all of which the United States is obligated to pay 82% of the cost while all the other countries contribute only 18%; and

Whereas, It appears that the United Nation's Secretariat and its specialized agencies have long been staffed and controlled by communists and sympathizers as attested to by Joseph Cornfeder, former communist agent, the New York Grand Jury Report and the fact that Alger Hiss was responsible for the initial hiring of 494 United Nation's employees; and

Whereas, J. Edgar Hoover estimates that 80% of the Soviet bloc personnel are intelligence officers and not diplomats; and

Whereas, The United Nations has controlled United States foreign policy since 1945, involving us in two bloody, undeclared, no-win wars in which, according to Senator William Jenner, "Our commanders were not permitted to carry the war to the soil of the enemy, but were compelled to limit all fighting to devastation of the territory of our ally. That was the United Nation's plan in Asia."; and

Whereas, The United State's Arms Control and Disarmament Plans final step is the transfer of all military weapons and equipment to a progressively strengthened United Nations; and

Whereas, It appears that the United Nations was planned, promoted, and has been run by communists to promote communist goals, and has hampered and interfered with the best interests of the United States foreign policy, strategy and national defense, and actually poses a very significant threat to our internal security through its presence here; now therefor be it

*Resolved* that the National Association of Pro America urge all its members to bring every influence to bear upon the President and the Congress to abrogate all laws, treaties, and conventions involving us with the United Nations, and to get it out of the United States.

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EXPERIMENTAL USE OF DRUGS ON SCHOOLCHILDREN

Whereas, The use of personality-changing, mind-controlling drugs on young school

children is becoming more and more widespread, with one estimate reaching as high as 825,000 children in the United States presently involved; and

Whereas, Ritalin (methylphenidate hydrochloride), now outlawed in Sweden, which has also been the subject of a grave warning by the United State's Food and Drug Administration and other eminent authorities because of the danger of addiction, and side effects which include marked anxiety, tension and agitation in adults, is most widely used on children because of its effect on the central nervous system, leading to a tranquilized condition; and

Whereas, The constant use of habit forming drugs from young childhood seems almost certain to lead to the use of stronger and stronger ones in the child's future as he becomes addicted to them, and habituated to solving all problems by taking a pill, instead of growing in strength of character by self-discipline, self-reliance and initiative in keeping with Christian principles of individual responsibility without which a free society is impossible; and

Whereas, The people of the United States suffering the results of wholesale drug abuse, particularly among teenagers and young aduts, with the consequence inevitable rise in crime, and the certainty of skyrocketing costs of maintaining the brain damaged victims of this drug culture; and

Whereas, Some of the plans of the drug therapy advocates seem, to an alarming extent, to parallel Bertrand Russell's dreams of the future in his book, "The Impact of Science in Society," in which he envisions the breeding of human beings managed by an elite through the process of "diet, injection, and injunction"; now therefore; be it

*Resolved* that the National Association of Pro America urge its members and legislators to study this grave situation and to take appropriate action, including the passage of laws to prohibit the indiscrimnate use of drugs for children.

PUBLIC EDUCATION—1971

Whereas, Public Education, under local control in the United States for a century, was concerned with the systematic teaching of subject matter and basic skills of learning, and with passing on to each generation an understanding of our republican form of government, and the ideals and principles on which it was founded; and

Whereas, in the 20th century "Progressive Education", aiming at federal control, altered the traditional goals of our schools, giving them a revolutionary mission to change our free enterprise system into a collectivist society; and

Whereas, Following World War II our schools became the transmission belt for promoting the philosophy of Internationalism and Global Government; and

Whereas, *Educational Innovations* being practiced in our class rooms today:

(1) explicitly forbid the teaching of organized subject matter;

(2) emphasize helping the child to relate to, and interact with other individuals, especially of other ethnic groups;

(3) replace traditional subjects with classroom discussion of involvement in the social and political issues of civil rights, poverty, free speech, the Viet Nam war, sexual freedom, ecology, etc;

(4) downgrade knowledge and emphasize feeling, substituting the sensual for the intellectual;

(5) derides all basic loyalties: family, country and God; therefore be it

*Resolved* that the National Association of Pro America recommends immediate return to our traditional philosophy of education which emphasizes the accumulation of knowledge, the exercise of logic, the development of wisdom and good judgment, the acquisition of basic skills, a renewal of all basic loyalties which will enable our youth to direct the Nation to greater and higher accomplishments under our Constitution.

RESCUE THE NAVY

Whereas, The late Congressman L. Mendel Rivers, Chairman of the House Armed Services Committee very recently warned Congress that our nation is in dire jeopardy because the Soviet Union has now surpassed us in military might; that our navy and fleet are being permitted to deteriorate while the Soviet fleet strength mushrooms; that the Soviet Union has 350 operational submarines to our 147, with theirs all under 16 years of age while about one-half of ours are over 16 years in age; and that the Soviet Union is currently feverishly building nuclear powered submarines at the rate of 10 to 14 a year while the House Armed Services Committee actually had to fight for Congressional appropriation of funds, for fiscal 1971, for construction of an advanced type submarine; and

Whereas, The sea is a shield and avenue of commerce only when there is a strong navy, but is a corridor for invasion without it; and

Whereas, The fact that we must import 66 of 76 strategic raw materials such as chrome for jet engines, cobalt for high strength alloys, manganese for steel, thorium—critical in space and military programs, and zircon—critical in nuclear programs, demonstrates the crucial necessity of a strong navy so that our sea corridors remain open to commerce; now therefore be it

*Resolved* that the National Association of Pro America urge Congress and the President to give immediate attention to strengthening our Navy and fleet in all areas necessary for the security and protection of the United States and its avenues of commerce.

GUARANTEED ANNUAL INCOME

Whereas, The Nixon administration is now promoting a national guaranteed annual income known as the "Family Assistance Plan".

Therefore be it resolved that the National Association of Pro America re-affirms it's Resolution No. 19 adopted in 1970 (Resolution Book II); and be it further

*Resolved* that all members of the National Association of Pro America vigorously oppose this Marxist multi-billion dollar monstrosity.

VICTORY IN VIETNAM—A NATIONAL IMPERATIVE

Whereas, According to United States military experts "victory in Vietnam is possible"; and

Whereas, A "No-Win" policy has been divisive at home to the point of revolution; and

Whereas, Withdrawal short of victory would be:

1. Betrayal of the brave fighting men whose lives have been sacrificed to stop communism;

2. Unconscionable abandonment of United States prisoners of war;

3. Acceptance of a coalition government in VietNam, which would desert VietNam and all South East Asia to certain communist domination;

4. Acknowledgment to the world that the United States is a "paper tiger" unwilling or unable to resist communism, at home or abroad, and assuring neither peace nor security anywhere; now therefore be it

*Resolved* that the National Association of Pro America urge President Nixon and the Departments of State and Defense to reassess the Vietnam conflict and marshal all national resources for a speedy and decisive victory.

RESOLUTION OF COMMENDATION FOR J. EDGAR HOOVER—DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

Whereas, John Edgar Hoover has given most of his life to the protection of these United States through his leadership of the Federal Bureau of Investigation; and

Whereas, Due to his dedication to his country he has earned the respect, affection of his fellow countrymen, and a perpetual position of honor unequaled in recent times; and

Whereas, There is a wide spread and organized drive by a hodge-podge of malcontents, anarchists, and revolutionaries and sensation-seekers who fear and hate this great man to bring doubt as to his health, judgment and ability in an attempt to remove him as guardian of our American security;

Now therefore be it resolved that the National Association of Pro America hereby express its high esteem, heartfelt gratitude and complete confidence in J. Edgar Hoover, and voice its unqualified opposition to any and all efforts to denigrate this great American; be it further

*Resolved* that the National Association of Pro America express the fervent hope that J. Edgar Hoover will continue in his present capacity as Director of the Federal Bureau of Investigation as long as he is able.

NATIONAL HEALTH INSURANCE

(SOCIALIZED MEDICINE)

Whereas, The National Association of Pro America in 1944, 1945, 1946, 1958, 1962, and 1965 opposed extension of the provisions of the Social Security Act to provide medical and hospital expenses to all employed persons; and

Whereas, The highest standards of medical care now prevail in the United States, as attested to by the flight of doctors from countries where socialized medicine exists to the United States; and

Whereas, Current proposals for National Health Insurance (Socialized Medicine) would take the responsibility for good medical practice out of the hands of the physicians and transfer it to the bureaucracy of Health, Education, and Welfare, or other government bureaucracies; and

Whereas, The Department of Health, Education, and Welfare, like other government bureaucracies, has demonstrated repeatedly its inability to achieve projected goals, and now it proposes "optimal health care" for all; and

Whereas, Proposals for any National Health Insurance system would establish total controls needed for federalized medicine, destroying doctor-patient relationships, privacy of consultation as all records would be public, and the abrogation of private health insurance covenants; therefore be it

*Resolved* that the National Association of Pro America emphatically oppose the proposed National Health Insurance and any and all other plans for Socialized Medicine.

STRATEGIC ARMS LIMITATION TREATY TALKS

Whereas, The overriding priority of government is the protection of the citizenry from enemies, foreign and domestic; and

Whereas, There are now going on, and have been since late 1969 a series of talks between representatives of the United States and the USSR regarding the limitation of the strategic arms known as the Strategic Arms Limitation Treaty talks (SALT) in which the USSR is seeking particularly to limit United States strategic arms potential, which include the Minutemen and Titan Missile systems, Polaris and Poseidon Nuclear Submarines, strategic bomber forces (The USSR is demanding that the United States scrap its remaining B–52 bombers which can deliver 50 times the Megaton strike of its Minutemen missiles) and the Safeguard ABM; and

Whereas, It is common knowledge throughout the world, and a source of pride to communists, that the Soviet government regards treaties as "pie crust, made to be broken" so that only honorable nations regard themselves as bound and limited by such treaties

while communist governments continue to pursue their goals uninhibitedly; and

Whereas, Since 1965 the USSR has forged ahead in almost every area of military capability, including creation of the monster SS–9 missiles, and a powerful navy with the largest submarine fleet ever created, while the United States, through treaties and the disarmament programs, has retreated to a near catastrophic position; and

Whereas, In 1952 65.8% of total federal expenditures were used for national defense while in 1971 only 36.7% is budgeted for that purpose of which one-eighth, or only 4% of total federal expenditure will be used to maintain the United States strategic defense system; and

Whereas, There is every indication that the USSR, through the Strategic Arms Limitation Treaty, plans to freeze the United States into an inferior position in strategic weaponry while it completes military capability for world domination; now therefore be it

*Resolved* That the National Association of Pro America urge the President of the United States immediately to withdraw the United States from the SALT talks and give urgent first priority to national defense to restore to the United States military superiority and assured survival.

FEDERAL REVENUE SHARING

Whereas, Federal Aid has always brought Federal controls because it is a fact that he who controls the purse controls its use; and

Whereas, "Federal Revenue Sharing" as proposed recently by the President can only result in the total domination of states and cities by the Federal government through the power of the purse; and

Whereas, Most state constitutions expressly forbid deficit spending, but the Federal government is not so enjoined thus emphasizing the need to keep the tax base in the state or face dependence upon and control by the Federal government through Federal subsidies; and

Whereas, It is highly undesirable to separate the level of government that collects taxes from the level which spends the funds because this makes it difficult to control or make accountable the spending level of government; and

Whereas, Any plan which sends local tax monies to Washington for processing and returns them only in a greatly reduced portion back to the states and cities where they should have remained in the first place is economically unsound and feeds bureaucratic wastes; now therefore be it

*Resolved* that the National Association of Pro America condemn the concept of "Federal Revenue Sharing" as an instrument for total Federal domination of the states and local government, and urge instead a reduction in Federal taxes which will leave the money and control over its use with the citizens in the states and cities where it belongs.

## MOUNT PLEASANT COMMUNITY COUNCIL—25 YEARS OF SERVICE

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. STOKES. Mr. Speaker, in the last few years, we have seen a concerted effort throughout the country to involve greater numbers of interested citizens in the affairs and problems of our Nation's cities. Community organizations are now in fashion and, through them, much is being done to improve the quality of our lives.

I would like to bring to the attention of my colleagues the efforts and achievements of one such organization which has made a number of important contributions to the city of Cleveland. I refer, Mr. Speaker, to the Mount Pleasant Community Council, which will celebrate its silver anniversary on June 25, 1971. For the past 25 years, the fine men and women of Cleveland's Mount Pleasant area have worked tirelessly to make it a better place to live. When most community organizations had as their sole purpose the pursuit of pleasure, the Mount Pleasant Community Council was engaged in programs of community involvement and action. For example, this group was one of the first in Cleveland to establish a "hot line" to keep residents informed on vital issues; in addition, the council formed a police auxiliary several years ago to encourage communication between the police department and Mount Pleasant residents.

Mr. Speaker, I ask my colleagues in the House to join me in saluting the Mount Pleasant Community Council for its long years of dedication to community improvement as it celebrates its 25th birthday. I have no doubt that during the next 25 years, this organization will continue to be a vital part of the city of Cleveland.

## LEGISLATION FOR A SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

### HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. MARTIN. Mr. Speaker, I am today introducing legislation calling for creation of a Special Action Office for Drug Abuse Prevention. This legislation is in support of the President's proposal for such an executive office to tackle the Nation's drug abuse problem, and would serve the purpose of legislative followup to the initiative the President has taken by an executive order in establishing a Special Action Office for Drug Abuse Prevention.

The purpose of such an office would be to provide the final link in our Nation's war on drug abuse. President Nixon, in a foreign policy statement on February 25, 1971, that included discussion of the drug problem, said that—

> Control of illegal narcotics . . . requires an integrated attack on the demand for them, the supply for them, and their movement across international borders.

After taking office 2 years ago, the Nixon administration began taking steps toward the solution of our Nation's drug abuse problems. The Congress has enacted many of the President's proposals including the Comprehensive Drug Abuse Prevention and Control Act of 1970. The effect of the administration crackdown on illegal drug sales, imports, traffic, and use is being realized.

But now, in order to effectively continue the war on drug abuse, and once and for all solve our Nation's drug problem, the President has proposed the establishment of a Special Action Office for Drug Abuse Prevention to rehabilitate current drug users and educate the young against the dangers of drug abuse, thus eliminating the final important element in drug abuse—the demand for the product.

Such a special office would provide a program for the coordination of all the numerous Federal agencies and programs involving drug abuse. It would provide overall planning, policy, direction, management and funding for the numerous Federal programs of drug abuse training, education, rehabilitation, research and prevention outside of the area of law enforcement.

It would provide a base for the coordination of programs now carried out under numerous laws and activities, including the Narcotic Addict Rehabilitation Act of 1966, the Comprehensive Drug Abuse Prevention and Control Act of 1970, the Drug Abuse Education Act of 1970, the Community Mental Health Centers Act, the Economic Opportunity Act of 1964, Manpower Development and Training Act of 1962, Public Health Service Act, and Omnibus Crime Control and Safe Streets Act of 1968. In addition, it would provide new efforts in the fields of drug abuse prevention, research, education and rehabilitation.

The efforts and activities toward drug abuse control, education, rehabilitation and prevention now carried on in numerous Federal agencies would be coordinated and concentrated into a solid, effective effort to reach this end. This would include programs now being carried out by the National Institutes of Health and National Institute of Mental Health, the Bureau of Narcotics and Dangerous Drugs, the Office of Education and Department of Health, Education and Welfare, the Veterans' Administration, Department of Defense and Office of Economic Opportunity.

Mr. Speaker, we have heard estimates ranging from 25 percent to 50 percent and more of our college youth that have tried illegal drugs of one type or another. How many of these young people eventually become addicted to drugs is not certain, but in recent years, State, local, and other addiction treatment centers have swelled with the numbers of persons on narcotics. We have further heard estimates of 25 percent and more of our young men in uniform serving in Vietnam and other foreign countries being heavy users of drugs, and are aware of an acute problem of drug addiction within the armed services.

For the past 2 years plus, we have been concentrating our efforts on the sellers and illegal traffickers of drugs, as well as the offenders, and I believe all will agree, with a good degree of success. But, any program can only be as successful as it is thorough, and to complete our program in the war on illegal drugs, we must now hit at the demand for the drugs that is the driving force to keep the production and traffic of illegal drugs going, no matter how stringent the law enforcement procedures against it. I quote President Nixon, in his remarks on this subject presented before this Congress last June 17:

As long as there is a demand, there will be those willing to take the risks of meeting the demand. So we must also act to destroy the market for drugs, and this means the prevention of new addicts, and the rehabilitation of those who are addicted.

The administration has not waited for legislation to establish programs along these lines. Last fall, in November 1970, the Veterans' Administration opened the first five of 30 drug treatment centers around the country, to get at the problems of addiction with our veterans and returning servicemen. More than 20,000 drug addicts are under treatment in federally funded programs, and the drug abuse education program has produced more than 22 million pieces of information on the subject. The Bureau of Narcotics and Dangerous Drugs and Bureau of Customs agents have increased from 1,626 in 1970 to 2,134 as of June 1971.

It is plain to see that the administration is making a concerted effort toward solution of our Nation's drug problems. Now it is up to the Congress to give the administration the support it needs, by providing this final stage in the war on drug addiction and illegal drugs. By backing the President with the establishment of this Special Action Office for Drug Abuse Prevention, we will be providing the final blow against the drug world that will lead to the elimination of the market for illegal drugs in this country. This legislation aims at a maximum 5-year program, which we can provide, to once and for all solve this critical problem in our country.

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## MINNEAPOLIS HEALTH HEARINGS

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## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. FRASER. Mr. Speaker, the recently concluded health hearings in Minneapolis which I sponsored attempted to bring together spokesmen for all congressional proposals to revise our present health-care system. An effort was made to explore these ideas in depth based on the testimony presented.

Mr. Harry E. Atwood, president of the Northwestern National Life Insurance Co., presented a cogent statement on the health reforms favored by private health insurance companies.

Mr. Clem Duffy, the regional manager of the United of Omaha, Co., provided figures outlining private health insurance companies expense ratio and paid claims ratio.

A representative of the Knutson Insurance Agency, Mr. Richard G. Youngquist, discussed the financial contribution of private health insurance companies.

"PROGRAM FOR HEALTH CARE IN THE 1970'S"

(By Harry E. Atwood)

Many solutions have been proposed to the critical health problems that confront this nation.

We feel some of these proposals do not go far enough. We believe others go too far and would destroy that which has proven sound and eminently workable.

Today I should like to report to you on where the private health insurance business stands on these matters of such urgent moment to all of us.

As an industry and as responsible citizens we share a deep concern over the continuing shortage and poor distribution of health manpower, the gaps in organization and delivery of services, the persistent rise in health costs . . . all of which impose hardships on every American though the burden falls heaviest on the urban poor and on those in rural areas.

We fully recognize the pressing need for reforms to restructure the healthcare system and the means of financing medical services.

It was in this light that the Health Insurance Association of America several years ago appointed a special task force to translate the concerns and convictions of the health insurance business into action programs. The Association represents more than 300 insurance companies which are responsible for 80 per cent of the health insurance issued in the United States by companies.

The task force consulted with dozens of medical economists and other health experts.

After some 18 months of work the task force submitted to the Association a sweeping set of recommendations for action. These recommendations were approved by the Association and have become known as the Program for Healthcare in the 1970's.

The Healthcare Program has six major goals, which are to:

Increase the supply of health manpower.

Promote ambulatory and preventive health care, and health insurance benefits for health maintenance.

Strengthen health planning on the state and local level.

Improve controls over the cost and quality of health care.

Develop national health care objectives.

Make comprehensive health insurance available to all.

The concept of this Healthcare Program are contained in the bill (H.R. 4349) submitted by Congressman Omar Burleson (D-Tex.) and known as the "National Health Care Act."

To date twelve Congressmen have joined the democratic Congressman in co-sponsoring the bill. They are:

Shirley Chisholm (D-N.Y.), Don Fuqua (D-Fla.), Cornelius Gallagher (D-N.J.), Edward Garmatz (D-Md.), Alton Lennon (D-N.C.), Ray Roberts (D-Tex.).

Watkins Abbitt (D-Va.), Gus Yatron (D-Pa.), Robert L. F. Sikes (D-Fla.), Tim Lee Carter (R-Ky), James Byrne (D-Pa.), Bob Casey (D-Tex).

We strongly urge endorsement and passage of this proposed legislation to meet the critical health problems that confront this nation.

Let me review very briefly how we propose to fulfill these objectives in each of the problem areas:

First, in responding to the shortage of doctors and other types of health personnel the Health Insurance Association calls for:

The Government to study and make recommendations for the expansion and greater efficiency of Federal loan or grant aid programs for health manpower training and development. Ways of promoting health careers more intensively should also be explored.

In addition, new or improved student loan and Federal grant programs should be established to encourage the training of additional health professionals and their service in inner-city and rural areas.

To improve access to services, ambulatory care facilities ought to be set up in every community. To this end, the Health Insurance Association urges broadening of present Federal hospital construction grant and loan guarantee programs to encourage financing of ambulatory health care centers.

To strengthen the health planning process, the Health Insurance Association calls for greater financial support of health planning agencies, with enlarged responsibility for these agencies at state and community levels to set priority needs and to approve applications for Federal funds for health services and facilities.

Our Association, in addition, endorses the concept of a Council of Health Policy Advisers as a government body to serve the President. This would be a cabinet level agency along the lines of the President's Council of Economic Advisers.

Our business also gives full support to a variety of controls to stabilize costs and ensure quality of care, including peer review of doctors fees to assure appropriateness of care, standard accounting and cost finding systems within hospitals, and the approving in advance each year of hospital budgets and rates.

To remove the financial barriers to dignified health care for all citizens requires, we believe, action on two fronts:

First, Federal stimulus to the development of health insurance coverage which would promote ambulatory and preventive care, thus moving the focus from costly inpatient services to more economical forms of delivery.

Second, the availability to all people of comprehensive coverages, building on the broad base of existing voluntary health insurance plans within a unified Federal-state program.

For most of the population the cost of health insurance would continue to be met by individuals and employers.

Public funds would be used for those who need support, wholly or in part, to pay for their health care.

The key elements of our comprehensive health insurance proposals are these:

One, Federal standards for minimum ambulatory, preventive care and institutional care benefits.

Two, phasing in health care benefits on a time-table basis as the manpower and services became available to meet increased demands.

Three, a system of Federal income tax incentives to help assure that comprehensive benefit levels are maintained. Specifically, as an incentive for employer groups we propose that Federal income tax deductions be allowed for 100 per cent of the premium only for programs that meet Federal standards. If they do not meet these standards, the tax deduction would be limited to 50 per cent of the expenditure.

Tax incentives would also be offered for persons with individual health insurance policies.

A fourth element would involve making full use of the experience and skills of existing private health insurers—including insurance companies, Blue Cross-Blue Shield, and prepaid group practice plans. The innovative skills and efficiency of the private health insurance mechanism have been built up over many years, and they should be brought to bear creatively on problems that need all the help they can get.

The fifth element would involve establishment of state pools of private health insurers to provide comprehensive protection for the poor, the near-poor, and those previously uninsurable for reasons of health. Eventually, these state plans would eliminate the need for Medicaid.

Assuming that our Healthcare Program goes into effect in 1973, the benefits initially would be more extensive under these state programs than for the private plans covering the rest of the population.

By 1976, however, benefits on the same level as the state plans would be extended to everyone.

Then, in successive stages benefits would be further improved and new benefits added for low income families and subsequently for every citizen until by the end of this decade truly comprehensive coverage would be a reality for all Americans . . . with no limits on preventive, primary, specialty and restorative treatment in ambulatory care centers, and realistic limits on institutional care in hospitals, nursing homes, and home care programs.

This comprehensive program which I have described to you today is built upon these principles:

First, Every American should have access to quality health care.

Second, the nation's health system needs overhauling. The strengths of our present system should be combined with necessary reforms in both delivery and financing of health care.

Third, such a new system should draw upon the skills and experience of private health insurers, the innovate technology of the health professions, the enormous capacities of government, and the energies of the consumer at the community level.

Fourth, program reforms can and should take place without imposing a crushing tax burden upon our citizens. This must be a health system our nation can afford.

And, finally, we must keep in proper balance the demands for services and our capacities to meet these demands.

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REMARKS BY CLEM DUFFY

Before offering my comments, I would like to commend you, Congressman Fraser, for permitting this type of forum whereby all parties to the Health Care problem have an opportunity to express their opinions and offer their suggestions. As President Nixon stated in his health message to Congress recently, "We must try to see to it that our approach to health problems is a balanced approach." Balance will be all important in deciding whether whatever health laws Congress passes succeed or fail. I feel that government and our people through business and labor as well as the Insurance Industry and the health profession should continue working together in a national partnership to solve our health problems. I do not feel that the solution of the health problems requires nationalization of our Health Insurance Industry. In order to correct the faults in our present system, we do not need to destroy the Insurance system but rather improve it.

As mentioned during your hearings on February 27th, Congressman Omar Burleson of Texas has recently introduced H.R. 4349, a bill entitled "The National Healthcare Act of 1971." This Bill embodies all the basic principles set forth by the Health Insurance Association of America's more than 300 member companies which write over 80 percent of both individual and group Health Insurance. The goal of the "National Healthcare Act of 1971" is to meet the personal health needs of every citizen. It seeks to achieve this goal by containing health care costs, improving the organization and delivery of health services and making comprehensive health insurance available to all. Rather than going into the various points of the Burleson Bill at this time, I would suggest you and your staff review the Bill in detail. I feel this program is far better than some of the alternatives such as Senator Kennedy's Health Security Act for creating an expansive, all encompassing Federal Health bureaucracy in Washington. We already have 1 out of 7 workers on a government payroll in this country. In 1900 we had 1 out of 24 workers on a government payroll. The recent and more frequent revolts by taxpayers would indicate that we have reached the point where the ratio of tax consumers is out of proportion to the number of taxpayers; the burden is becoming too great. It is most important that any changes that occur in our present system must achieve a fair balance between what people pay for themselves and what others pay on their behalf, whether through insurance, employer sharing, or through tax supported programs.

As had been stated by numerous participants in this hearing, the primary problem seems to be in the area of health delivery. There probably would be no health crisis if past legislation had helped more to improve the supply of health services rather than merely expanding the demand. As a result of wage freezes during World War II, fringe benefits such as Group Health Insurance came on the scene. I can remember personally enrolling employees on employee pay all plans covering hospital rooms at $10 per day and coverage was quite adequate. As further evidence of how times have changed, I can remember when air was clean and sex was dirty. Soon negotiations between labor and management eventually produced our Trusteed Welfare Fund plans as well as other types of Group plans. Unfortunately, our expansion of Health Insurance which has increased the demand for services exceeded the expansion and improvement of the services themselves. The result has been to rapidly inflate the health costs.

Undoubtedly, sufficient health services and personnel would slow down the costs under the economic principle of supply and demand. But, irrespective of the cost factors under any program, there simply are not enough facilities or personnel to provide quality care for all. In addition to those who recognize they need care, there is need for public acceptance of preventive care. In the case of preventive care, getting people to utilize facilities if they are available is a problem in itself. Providing sufficient facilities and personnel may not necessarily result in the complete retention of the present system of financing health care. But to sell the public on the idea that all you need to do is to say "Charge it to Uncle Sam" and all the cost problems will go away is plain nonsense. Due to the high amount of taxes being paid, there is an increasing tendency for people to want to "get even" by taking advantage of federal or government plans.

Contrary to the opinion of many, there is no windfall or profit to the Insurance Industry. Last year, of the 37 major Health Insurance underwriters, 35 lost money in spite of increased premium rates. Needless to say, we are also most anxious to help improve the delivery system in order to control costs.

Whatever plan that is selected should keep in mind the important part to continue being played by the Insurance Industry—both the Company and the agent. It has been emphasized as to the importance of attempting to provide medical care as close to the patient as possible—neighborhood health centers. The local insurance agent can assist in the "team approach." He can be the liaison between the consumer and the provider.

The Insurance Company can handle the administration or funding of whatever plan is selected. It has been proven that the Insurance Company or private industry is more experienced and more efficient than the Federal Government would be on a nationalized basis. A good example is our Postal system. As you know, legislation is being considered to place the Postal system under an independent operating organization.

I feel we must reverse the current trend toward more reliance on Federalization in Washington, D.C. where we seem to receive a much lesser return on our tax dollar. If you will review the 1970 Argus Chart, you will find that nearly all of the major writers of Group Health Insurance were returning 90 to 95 cents on the dollar in actual paid claims. In addition, Insurance Companies pay millions of dollars annually in premium taxes besides the hundreds of thousands of employees paying income taxes.

I am most impressed with the dual choice possibilities whereby an individual or Employer-Employee group can choose between an Insurance Company plan or a Health Maintenance organization. This offers the most efficient and least costly Health delivery system with the marketing and enrollment handled by the Insurance Industry as well as the administration of the funds collected from the employers and insured individuals. Depending on the specific plan submitted, the medically indigent or poor people could have their costs paid by Federal funds. This would offer the most comprehensive yet least expensive and most efficient system available. The Insurance Industry has developed a considerable amount of experienced and talented personnel—let's continue to take advantage of them in whatever program that is finally developed.

FIGURES AS OF JAN. 1, 1970, FOR SOME OF THE LARGER COMPANIES EXCEEDING $100,000,000 ANNUAL GROUP HEALTH PREMIUMS

| Company | Premium | Paid claims (percent) | Expense ratio (percent) |
|---|---|---|---|
| 1. Aetna | $905, 790, 808 | 93.5 | 9.7 |
| 2. Metropolitan | 631, 591, 305 | 95.7 | 9.0 |
| 3. Prudential | 512, 544, 934 | 94.8 | 9.6 |
| 4. Equitable (New York) | 456, 697, 327 | 94.6 | 10.6 |
| 5. Connecticut General | 395, 903, 553 | 92.6 | 11.6 |
| 6. John Hancock | 263, 329, 011 | 92.1 | 10.6 |
| 7. Provident Life & Accident | 183, 385, 147 | 90.7 | 9.3 |
| 8. Occidental | 149, 121, 153 | 92.2 | 8.1 |
| 9. Mutual of Omaha | 142, 211, 285 | 91.5 | 8.8 |
| 10. Union Labor Life | $129, 995, 089 | 96.4 | 6.4 |
| 11. New York Life | 118, 485, 983 | 84.7 | 15.1 |
| 12. Lincoln National | 106, 784, 424 | 92.4 | 10.8 |
| Total | 3, 995, 840, 019 | 92.6 | 99.7 |
| Minnesota Blue Cross | 56, 377, 023 | 96.6 | 8.0 |
| Minnesota Blue Shield | 34, 619, 234 | 98.9 | 14.5 |

Note: Premium taxes average approximately 2 percent, or nearly $80,000,000, annually.

REMARKS BY RICHARD G. YOUNGQUIST

Congressman Fraser, I represent the Minneapolis Association of Life Underwriters. We are a chapter of the National Association of Life Underwriters, which has its headquarters in Washington, D.C. Nationally we are a membership of over 100,000, in the State of Minnesota we number about 1700, and in the Minneapolis area we number about 900.

We are professional agents working in the life and health insurance area, selling and servicing life and health insurance products. We lend our support on a non-partisan basis to good insurance legislation on the federal and state level.

We recognize that while Government regulation (preferably on the state level) is necessary and should extend to all organizations providing life and health insurance benefits for the American public, we also feel very strongly that the burden of responsibility for serving the public should be borne by the insurance industry. We also are of the conviction that even before the insurance agent of today came upon the scene, it cannot be disputed that the insurance industry has provided an exceptional service to the American public and we would hope that this service will be permitted to continue at the lowest cost possible.

We would like to emphasize the large extent that insurance companies have provided dollars to pay for health care. For example, in 1966, 82% of the American people were provided with one or more forms of private health insurance benefits. In relation to incomes, also 1966 statistics, 2.5% of income was used to purchase health insurance protection. We would question very seriously if the Federal Government could do as well for the American taxpayer. I am certain, Congressman, you are aware of the amount of dollars poured into the economy by medical care insurors. Also in 1966, private insurance companies paid out over 10.2 billion dollars in health care benefits. This was almost 3 times the amount of benefits paid out 10 years previous in 1956 . . . I am certain that benefits paid out since 1966 have skyrocketed greatly.

As a matter of fact, insurance companies are having a terrific problem in keeping up with soaring medical costs established by hospitals and physicians in our State and throughout America. I also might add that over $500 million was also paid out in 1966 for patients over 65, even though medicare was already in effect in 1966.

It would seem to us that the greatest concern facing the American public is *not medical care*, as some have suggested. I think we could agree that we have the best medical care possible. We are especially blessed in Minnesota for our excellent medical facilities. But rather it seems to us that the greatest concern is the high cost of this care, (whether it is provided by the private or federal sector.) We do not feel that taking it out of the private sector will lower the cost, and putting it under the jurisdiction of the federal sector certainly will not lower the cost as has been so dramatically demonstrated by the medicare program. It is for this reason that our association, as of this time endorse the general idea, principle and approach of HR 19935 as introduced by Democratic Congressman Omar Burleson of Texas.

This bill was patterned after the study made by the health insurance association of America (an association of over 300 private insurance companies).

As we understand it, the purpose and design of this study point out the need to: stabilize medical costs, improve health care and to make comprehensive health care available to everyone at the lowest possible costs.

We are also extremely concerned that the regulation of insurance companies continues to remain at the local level as presently administered and regulated by state insurance commissioners. Keeping government closer to the people.

We also are extremely concerned with costs as much as you are. After all Congressman, we are taxpayers too.

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## SUPPORT OF H.R. 5492

## HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mrs. HICKS of Massachusetts. Mr. Speaker, today I appeared before the House Subcommittee on Transportation Aeronautics, in connection with H.R. 5492. This bill would prohibit sonic booms caused by civil supersonic aircraft over land by writing into law the regulation proposed by the Federal Aviation Administration last year. Exceptions could be granted by the FAA Administrator for certain limited purposes, such as testing of new aircraft.

Mr. Speaker, in view of the defeat of the SST, the question might be raised as to why we need this legislation. First of all, there is a good possibility that the American SST project may be revived some day. But the more immediate reason for this legislation is the fact that the Anglo-French Concorde and the Russian TU–144 are continuing to make progress. It is likely that both of these aircraft will be in commercial service by 1973. These aircraft do fly supersonically, and they do produce sonic booms. Thus, even without the American SST, the need exists to protect the public from booms created by these foreign aircraft.

The sonic booms created by commercial supersonic transports would add to the problem we already have with booms caused by military jets. Our citizens unfortunate enough to live along the flight paths or within the areas used for flight qualification or testing of these planes are bombarded daily by sonic booms. In many areas of the country, the problem is reaching serious proportions.

Military aircraft are not covered by the legislation, but I bring out this aspect of the problem to illustrate the importance of H.R. 5492.

We are entering an age where supersonic flight will become commonplace. Our action in passing this bill is an exercise in foresight. It is our only lasting guarantee of preventing a situation which could magnify the problem we already have with military aircraft.

Granted the need for sonic boom control one might ask why this should not be done by means of an FAA regulation, rather than by an act of Congress. Under ordinary circumstances, Congress need provide only guiding principles and legislative authority, leaving the making of specific rules to the regulatory agencies. But in this case, I believe there are many reasons for the Congress to write this legislation into law.

During the argument over the American SST, those opposed to the project pointed to the sonic boom as a major reason for cancelling it. The SST proponents declared that the aircraft would not be flown supersonically over land. The administration was prepared to write an FAA regulation giving this assurance. But for the opponents of the SST, this was not good enough. They were afraid that the regulation could easily be revoked as a result of economic pressure. If the SST could only be profitable on the overland routes from the East coast to the West coast, the pressure on the FAA to permit such flights might prevail. The bill which I now support was introduced to eliminate this possibility. It was felt by both proponents and opponents of the SST that putting the anti-boom rule in the form of an act of Congress would provide an extra measure of insurance against possible future changes in this rule.

Of course, the situation has changed since the defeat of the SST. But the principle that congressional action is less subject to change than administrative regulation still holds. This might be important if a controversy arose with regard to the Concorde or the Soviet aircraft. Suppose foreign governments were to insist on the right to fly supersonically across the United States, and that these governments attempted to force our Government to give them this right. Our position would be much stronger, if we had a law on the books instead of just an FAA regulation.

Finally, the concern over the sonic boom reflects our increasing concern over maintaining a livable environment. If we had to do so, we could survive the sonic boom. Not too many years ago, that would have been the outcome of this controversy. But today, we must look at advances in technology not only in terms of economics, but also, in terms of humanity—of what the proposed development will do to our way of life. This proposed law is our opportunity to demonstrate our concern for the quality of modern life. For the first time, we are dealing with an environmental problem by preventing damage to the environment before it occurs. This is the way we should deal with environmental problems from now on.

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## EMERGENCY COMMUTER RELIEF ACT OF 1971

## HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. ROSTENKOWSKI. Mr. Speaker, on February 25, I introduced the Emergency Commuter Relief Act of 1971 (H.R. 5039) which would provide short-term financial assistance to assure the retention of adequate urban mass transit by State and local governments. All of us, I am sure, are aware of the transportation crisis that is crippling our cities. The urgent need for modernization of our mass transit systems spurred the passage of the Urban Mass Transportation Act, Public Law 91–453, which provides long-term solutions for many of our transit problems. In the meantime emergency relief is needed to maintain our present facilities and hold the line

on increased costs which are passed on to the commuter in the form of higher fares. Last Thursday I provided my colleagues with a profile of recent fare increases in major metropolitan areas. Today I would like to insert the recent remarks of Mr. Joseph Vranich, executive director of the National Association of Railroad Passengers, before the Conference on Public Trnasportation. I feel they provide a valuable insight into the human frustrations that the current transit system creates in many thousands of our Nation's commuters.

The remarks follow:

THE COMMUTER—A PLEA FOR ACTION NOW

(By Joseph Vranich)

As executive director of the National Association of Railroad Passengers I am constantly receiving mail from commuters telling me of their woes and anguish. These correspondents usually look to our Association for a solution to their problems and, when possible, we try to be helpful.

But, no matter what I do for a living, transportation is a highly personal thing to me. For example, on November 30 I moved to the Washington area and resided temporarily in Alexandria, Virginia. Within three months I was so disgusted with the daily trip over the 14th Street bridge that I moved into Southwest Washington and now walk to work on Capitol Hill. So, during my brief tenure with this national transportation consumers' organization I have solved the commuter problem for one person, at least.

The nation, however, is filled with people who cannot or will not move into a city to avoid commuting. Consequently, we have the Long Island expressway being called a parking lot since jammed traffic is so often at a standstill. We have motorists on the Los Angeles freeways finding themselves completely immobile due to congestion at nine o'clock *at night*.

Every major city needs to place greater emphasis on mass public transportation by bus, rapid rail systems, and commuter railroads—systems which will preserve the already low levels of sanity of our commuters. Our political leaders and technocrats must offer *immediate* relief from traffic congestion. In other words, we should not allow consideration of esoteric systems—such as tracked air cushion vehicles—to be an excuse for not taking action to improve conventional rail and bus transit. The exotic system may not be ready for another 10 years. The frustrated commuter doesn't want an improved system when he's old and retired. He wants one tomorrow morning when he has to face his steering wheel again.

We must begin *now* to use what is available today. For example, we should rebuild and revitalize our commuter railroad systems where track already exists. We should build busways where land is already available on medial strips of highways. And a greater number of cities have to get down to the serious task of designing a proven type of mass transit system where a demonstrated need exists.

People *will* ride trains and buses when the systems are clean, have a reasonable frequency of service, on-time performance and moderate fares. In Philadelphia, for example, a beefed-up rail commuter network has caused ridership to jump 40% in the past decade—and that's with old cars and old stations. One railroad in Chicago modernized its system completely and scored a 34% increase in ridership in 1970 over 1961.

Transit planners should take pains to meet with citizens and commuters *before* developing their proposals. Otherwise they may engender public opposition which will inevitably delay transit improvements. A fine example is the situation in Pittsburgh. There, the local transit authority plans to rip up existing, main-line, heavy-duty railroad tracks and pave the right-of-way for a busway. This has sparked a tremendous amount of criticism from citizens' groups which are genuinely *pro*-transit. The Pittsburgh case illustrates the hazards of insistence by planners and politicians on something that's "different", which overlooks the practical realities of getting me and you to work by nine a.m., or getting a city dweller out to suburbia where a good percentage of the new jobs are opening.

Transit systems do not have to operate 300 mph vehicles or be excessively glamorous in order to be functional to the person who needs transportation. The average citizen or commuter should inspect his city's transit proposal and ask three basic questions:

1. Do the routes proposed go to the sections of the city which most need improved public transit, such as low-income neighborhoods or traffic-snarled areas?

2. Is a relatively proven system being promoted which will enable the city to proceed with construction in a short period of time?

3. Do the officials of the transit authority conduct their affairs in an above-the-board manner and are they willing to cooperate with the public in exploring ways of improving or modifying their plan?

If the answer to any of those questions is "no", then that city is headed for a transit controversy which may cause a bond issue to be defeated, may jeopardize a capital grant application with the Department of Transportation, and may delay transit improvements a considerable length of time.

Transit improvements must not be delayed because the average commuter is in a rather depressed frame of mind. His daily trip takes him longer and costs him more money each year. Home-to-work travel is a continual source of personal aggravation.

Commuters do not have to be *forced* aboard a public transit vehicle. They will voluntarily board buses and trains if the right combination of service and fares is offered. The best thing about transit systems is that we already know how to build them—what's needed is not technological breakthroughs but political ones. Until those political breakthroughs come along, commuters will continue to be captive to their automobiles. And they—as well as their surrounding environment—will suffer enormously.

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## MINORITY STAFFING REFORM

### HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. THONE. Mr. Speaker, it is unfortunate that the resolution introduced today will be generally viewed in partisan terms as an issue of power allocation between the two national political parties. For in my opinion, the real issue underlying this resolution involves a very nonpartisan effort at insuring the highest degree of responsible decisionmaking in our Federal Government and, as such, transcends party politics.

Under the present system of committee staffing there is generally a minority staff for each committee. These staffs, however, are usually very small, and the facilities they have to work with very limited. More importantly, though, these minority staff members are ultimately responsible to the committee chairman, who still retains the power to hire and fire. Thus, the minority party, under present conditions, has no guaranteed direct pipeline to information or the views of the experiences and knowledgeable committee staff members.

There are those who will argue that the present system needed no revision—that the staff members work for the committees, and that the committees have national, rather than political, responsibilities and goals. The argument is appealing, but to accept it is to wink at reality, for it ignores two of the most important aspects of our legislative process.

First of all, congressional committees are more than just an arm of Congress. As the magnitude and complexity of the social and economic problems facing this country have grown, so has the importance of the committee in the overall legislative scheme grown. Today, as students of Congress and Congressmen themselves recognize, committees have, in effect, become minilegislatures where the need for legislation is examined, alternative approaches are scrutinized, and compromises are made in the hope of producing a piece of legislation which represents the consensus of the differing views on the subject. To be sure, changes are sometimes made by Congress acting as a whole—but the overwhelming amount of research and study on a proposed bill is done by the committee and their staff. Thus, it is first necessary to recognize the preeminent position that the committee—and hence the committee staff—plays in Government today.

There are those who would argue, however, that even accepting the critical role the committee plays, the staffs of the committees are there to serve the committee as a whole in its search for the best piece of legislation. Such a view, however, ignores perhaps the fundamental concept on which our Government is built; that is, the premise that government is an adversary process, and that good legislation is the result of the competition between two or more well-researched, well articulated points of view.

Indeed, I think it can be forcefully argued that our present committee system is structured to promote conflict, to produce opposing views, with the idea that a strong airing of all sides of an issue will produce a more carefully considered product coming out of the committee. It is therefore inevitable that in the majority of cases, the important battles in the life of a bill will be fought out in the committee, not on the floor of Congress. Since it is the goal of both parties to achieve legislation which is best designed to deal with the perceived problem, it is crucial that the committee be structured in such a way as to promote a strong, detailed airing on both sides of any issue. If the minority party is to perform the important function of the "loyal opposition," it must be given the tools necessary to fulfill the task. I do not believe that the present system provides those tools.

As mentioned earlier, the minority staffs today are almost uniformly understaffed, paid less than their majority counterparts, and have insufficient facilities at their disposal. Perhaps as important is the fact that today minor staffers generally serve at the pleasure of the

committee chairman. The House resolution introduced today would remedy both these faults by providing for at least one third of the investigative staff of a committee to be appointed by, and responsible to, the minority members of the committee. This approach marks a significant step on the road to making our committees the thorough and searching bodies which our Government requires to function properly.

The advantages of this resolution to the minority are obvious—having a well-equipped staff directly responsible to the minority members will have the ability to make a more forceful and comprehensive presentation of their views. It is important to recognize, though, that the majority would also benefit from such a revised structure. To the consensus-seeking members of the majority, the new format will insure that the final product will not stumble on the floor of Congress because of some inadequately researched or overlooked aspect of the bill. It will insure that the committee is made aware of every possible failing, every questionable aspect of a piece of legislation, while the bill is still in the formulation stage.

The ultimate benefactor, though, will be the American public. Because the new format would insure that all sides of an issue are presented, and presented forcefully, to the committee, it would also insure that any committee action would be taken only after a full recognition of the issues and values involved. The result would be legislation more suited to meet the needs of all Americans. Our system of government is founded upon the principle of a viable two-party system. The foundation will remain strong, however, only as long as the two parties themselves remain strong. Under the present committee structure, the majority have full and complete access to the investigative potential and expertise of the committee staff to assist them in performing their duties—this resolution only seeks to give minority members a similar access to the tools which they must have to fulfill their important role in our committee system.

The issue, then, that the resolution introduced today raises is really the quality of the Federal legislature. Passage of the resolution will help to insure that the legislation which comes out of Congress is the type of carefully considered, well-researched effort that the problems of today demand.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

## A REPLY TO SENATOR PROXMIRE ON THE TIDELANDS SITUATION

### HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. HÉBERT. Mr. Speaker, I have inserted various writings in the CONGRESSIONAL RECORD in which George W. Healy, Jr., editor of the New Orleans Times-Picayune, offered some concrete suggestions to settle the tidelands dispute.

He has received 53 communications from Members of Congress about the matter with only one being opposed to his ideas.

But Mr. Healy refuses to be put down, and he has bounced back with an answer for Senator WILLIAM PROXMIRE, the lone dissenter.

I insert the editorial comment at this point in the RECORD, which you will find self-explanatory:

COASTAL STATES AND TIDELANDS REVENUE

The Times-Picayune has received 53 communications from members of Congress commenting on our editorial of June 6 urging legislative action to have the federal government share revenues from offshore oil production with the coastal states. The letters have come from all parts of the nation. The count has been: Favorable, 27; non-committal, 25; opposed, 1.

The single letter expressing disagreement with The Times-Picayune's editorial came from Sen. William Proxmire, D-Wis., chairman of the Joint Economic Committee of the Congress.

SEN. PROXMIRE'S LETTER

JUNE 15, 1971.

DEAR MR. HEALY: I appreciate your courtesy in sending me a copy of your editorial. I found it quite thoughtful, although I must respectfully disagree.

These lands belong to all the people of the United States and so long as the oil industry continues to pay such a low federal income tax, I think it only fair that the people should receive at least some benefits from the expensive subsidies they provide to the oil industry. The oil import quota program costs well over $5 billion a year to the American economy, the depletion allowance costs in back-door spending, according to chairman of the House Ways and Means Committee Wilbur Mills, about $1 billion a year in lost revenue, the foreign tax credit which is a subsidy to the foreign sheiks costs the American taxpayers about $7 billion in lost revenue, and the multitude of other tax incentives costs the American people far too much money. The amount of money the people receive from these offshore lands is a small token of the subsidies paid to the oil industry.

Sincerely,

WILLIAM PROXMIRE,
*U.S. Senator.*

THE TIMES-PICAYUNE EDITORIAL REPLY

JUNE 18, 1971.

DEAR SENATOR PROXMIRE: Many thanks for your letter of June 15 and, particularly, for your candor.

Granted, as you say, that oil produced from federal lands "belongs to all the people" of the United States. This does not mean, necessarily, that revenues from this oil should be shared equally by all the people of the United States.

You and I might own equal shares in a tract of land. You might live on your individually owned land adjacent to our land. You could build roads through your land, making our land accessible. You could provide schools for the children of people who work on our land and provide many other costly services for them. Under these circumstances, I certainly would not expect you to give me an equal share of revenue from oil, agricultural crops, lumber or other products of our land. You would be entitled to a larger share than I in compensation for having made it possible for our land to become productive.

That, precisely, is the reason Louisiana and other coastal states deserve action by the Congress at this time.

The federal government now collects royalties and other revenues from minerals produced on lands offshore from the coastal states. A portion of these revenues is now going into an escrow fund which amounted to $1.627 billion at the end of 1970. This fund is kept in federal court registry to be distributed when a final determination, under judicial authority, is made as to where Louisiana's boundary ends and where federal offshore land ownership begins. All the other revenues from offshore federal lands have gone to "all the people" of the United States.

"All the people" of the United States, however, haven't built the roads that take offshore workers to boats and helicopters that transport them to drilling rigs and platforms. They don't maintain the schools which educate the children of these workers. They don't provide police and other protection and countless other costly services which are essential to the welfare of the coastal community. The people of Louisiana, through their state and parish governments, provide these services.

The people of Louisiana, like the people of all coastal states, deserve to be treated like the people of other states in the distribution of revenues from federal lands. When federal lands within a state produce revenue under existing law, that state receives a share of that revenue before a larger share goes into the federal treasury. The Congress should make this law which is applicable to inland federal lands apply also to offshore federal lands.

I regret that I cannot agree with you that there is some relevance between federal income taxes that the oil industry does or does not pay and the obvious inequity that exists with regard to oil produced from offshore federal lands.

As to taxes on the oil industry, the federal government collects no severence tax on oil produced from its offshore lands. Louisiana does collect a state severence tax on oil produced from within the state. This disparity encourages the oil industry, of which you seem to be critical, to penalize Louisiana by accelerating offshore exploration and production at the expense of inshore exploration and production.

Obviously, if you have to pay a tax on inshore oil and don't have to pay a tax on offshore oil, you speed up your search for offshore oil. You have another incentive for this, because Louisiana is not permitted to collect its sales tax on materials delivered to offshore drilling operations.

We at The Times-Picayune have followed developments affecting these differences for many years, just as long as our people have suffered from these differences.

Our files contain a mass of information on this subject, just as do the files of members of Louisiana's congressional delegation. If you get the facts from these files and study them, I believe you will support efforts to achieve justice for the coastal states and end inequities which have existed too long.

If we can be of any service in providing you facts, providing that service will be our pleasure.

Sincerely,

GEORGE W. HEALY, Jr.

## FREEDOM OF PRESS VERSUS FREEDOM FROM EMBARRASSMENT

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. WILLIAM D. FORD. Mr. Speaker, the publication of former Defense Secretary McNamara's Vietnam papers has raised some very basic questions which go right to the heart of constitutional democracy.

The framers of our Federal Constitution felt so strongly about a free press that this guarantee was included in the first article of the Bill of Rights.

Thomas Jefferson said that, given a choice of government without newspapers, or newspapers without government, he would not hesitate to choose the latter. As a two-term President, and a public figure all his adult life, Jefferson had felt the sting of unpleasant publicity; he had been harassed, embarrassed and ridiculed, but he still recognized the importance of an uncontrolled press.

Today, it seems, we have prominent public figures who would put their own personal freedom from embarrassment above freedom of the press. Their attempts to suppress publication of the Vietnam documents have brought us to one of the most crucial constitutional crises in our history.

The American public, long accustomed to taking its basic freedoms for granted, perhaps does not appreciate the danger. The journalistic profession recognizes the crisis, however, and I have been most gratified to see the united front raised by the responsible press of this Nation.

Among the many arguments used by those who would suppress the McNamara documents, only one has even a tinge of validity—that publication would be damaging to our national security. Not having seen the papers in question, I would not presume to comment on this question. It will be decided in Federal courts, and I am willing to leave the decision in these capable legal hands.

It is the other arguments that give me concern, since they come from men who hold high position, men who are sworn to uphold the Constitution, men who should be taking the lead in defending our basic rights.

We are told that their publication would lead to confusion and misunderstanding by the public. I think the publication would help clear up the confusion and misunderstanding which already exist—created by years of deceit and concealment which are exposed by these documents.

We are told that the publication would be misleading because of selective editing by both the compilers of the study and the writers of the newspaper accounts. I cannot believe that 40 volumes and 2,500,000 words indicate much selective editing on the part of the compilers. And I have considerable faith in the writing and editing ability of the journalists who comprise the staffs of the New York Times, Washington Post, Boston Globe, and other American newspapers.

I would sooner trust their interpretation and editing of the documents than that of administration members, past and present, who are rightfully embarrassed by the disclosures to date, and who seem to be so afraid of what may yet be exposed to public view.

Mr. Speaker, it is no coincidence that a free press does not exist in nations controlled by Communist, Fascist, or military dictatorships. Freedom of the press is basic to every other freedom we possess in our democracy. We must not yield one iota to those who would jeopardize this freedom for the sake of concealing their own mistakes.

## SOCIAL SECURITY AND WELFARE REFORM BILL

### HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. NIX. Mr. Speaker, yesterday the House voted to approve H.R. 1 in spite of the unfair and punitive provisions embodied in title IV, the so-called welfare reform section.

One hundred and eighty-six members joined with me in an attempt to strike out title IV. My justification was simple: I very much believe that if title IV is signed into law we will be back here next session attempting to straighten out the more flagrant abuses in the act.

I support Federal administration of the welfare but had hoped that it could have been achieved in an initial form that would not force us to come back and take up the problem again in a much more divisive climate.

The attempt to strike out title IV failed and the House went on to pass the entire measure by a vote of 288 to 132. I was one of those who voted for the legislation and would like this opportunity to explain that vote.

In the first place, however much I oppose the punitive provisions of title IV, I could not in good conscience contribute to the deprivation of the millions of persons who will benefit from the other provisions in H.R. 1.

Those other provisions include changes in the social security system that I and other Members have been fighting to achieve for as long as I can remember.

For example, adult welfare programs for the elderly, blind, and disabled would be federalized and provide $1,800 a year for a single person and $2,400 for a couple.

Medicare benefits will be extended to about 1.5 million disabled persons, including some retired Federal employees.

Social security payments will increase 5 percent next year and, most important, in the future increases will automatically be triggered to rises in the cost of living.

Widows and persons who retire at age 62 will be brought into the social security program in certain instances.

I submit, Mr. Speaker, to have denied these desperately needed benefits to millions of our countrymen due to my serious objections to title IV of the bill would have been a callous, insensitive act.

There is hope that the Senate, in its wisdom, will see fit to amend title IV. I certainly hope that this will come about.

If the bill should pass in its present form, however, I intend to initiate an effort in the House to correct legislatively the punitive and unwise measures in the welfare section.

## FLAG DAY IN THE HOUSE, JUNE 14, 1971

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. DORN. Mr. Speaker, I commend you and the distinguished committee, Mr. NICHOLS of Alabama, Dr. HALL of Missouri, Mr. KEMP of New York, and Mr. KYROS of Maine, for arranging a very appropriate and splendid ceremony here in the House Chamber on Flag Day. They are ably assisted by Mr. William M. Miller.

Mr. Speaker, the U.S. Army Band and Chorus performed magnificently on this occasion. It was a very special pleasure to hear "Stand Up For America" played by the Army Band and sung by the Chorus. The solo performance by Sp. Kenneth B. Corcoran was outstanding.

This great patriotic song was written by Richard C. Peet in collaboration with Col. Samuel Loboda, a distinguished officer of the U.S. Army.

We are proud of Richard Peet, as he is a very able counsel on the Public Works Committee of the House. Above all, he is a dedicated American and I commend to the attention of the House the words of the song written by Mr. Peet and Colonel Loboda:

STAND UP FOR AMERICA

(By Richard C. Peet and Col. Samuel Loboda)

I

When are you going to stand up for America?
When are you going to show you really care?
Just rise up strong and tall,
It's the time to give your all,
Join up and take a vow.
The time is here and now.

*Chorus*

So on your feet all America—
Stand up for the causes and the dreams.
Rise up along with me
We can build a world that's free.
Cause you believe with me
In America.

II

Together we'll strike a blow for America,
For freedom for your kids and for your dream.
For every step we take
And the kind of world we make
Is really up to you
And there's a job to do.

*Chorus*

III

Everyone join hands for our America.
Brothers one and all we'll ever be.
Let's give it all our might,
Work for justice, peace and right.
Together we can't fail.
With God we will prevail.

So on your feet all America—
Stand up for the causes and the dreams.
Rise up along with me
We can build a world that's free.
Cause you believe with me
In America.

'Cause you be-lieve, 'Cause you believe
And I believe, And I believe
'Cause we be-lieve in America.

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## HIGHWAY SAFETY

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## HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. HARSHA. Mr. Speaker, Americans often ignore situations that threaten the public safety until a personal experience hits them so forcefully that they finally resolve to take preventive measures.

The lives of all who use the streets and highways of this Nation are being threatened daily by those whose immoderate drinking habit is combined with a determination to drive—at any cost.

According to the National Safety Council, over 55,000 people died, over 2 million were injured and $8 billion in property damages were sustained as a result of traffic accidents on the Nation's highways last year.

Throughout the decade of the 1960's, 475,000 men, women, and children were killed, over 17 million were injured, and $90 billion in economic damages were tolerated.

This is an appalling squandering of lives and treasure. The gravity of the situation is illustrated by the fact that highway deaths outnumbered combat losses in Vietnam over the same period by a margin of 10 to 1.

To me, one of the most disturbing aspects of these tragic statistics is that problem drinkers were a factor in almost half of all highway mishaps in which a death resulted.

Back in 1966, the Congress passed the Highway Safety Act. Its aim was to provide the legislative wherewithal for mounting a nationwide campaign to reduce the escalating carnage on our highways. I am sorry to report that from the beginning the safety program has been hampered by a shortage of funds—particularly in the critical area of research, development, and implementation of effective alcohol countermeasures.

On Tuesday, June 29, I plan to introduce unique legislation that I believe will, at least partially, remedy the problem of inadequate funding in this area and, thus, be a tremendous encouragement toward reducing accidents and injuries to an irreducible minimum. I am asking my colleagues to join me as cosponsors for this urgently needed legislation.

If there is any doubt as to the need for this bill, I should like to point out an excerpt from a "Factbook" published by the Ohio Insurance Institute in Columbus, Ohio. On four brief pages of their publication, this organization has graphically and emotionally propounded the absolute need for this effort by noting segments from letters they have received during an anti-drunk-driver campaign. I commend these statements to my colleagues and I urge them to seek support from the residents of their district for strict enforcement of present laws and new programs of highway safety:

ANTI-DRUNK-DRIVER CAMPAIGN

AMHERST, OHIO.—We have a very empty and lost feeling—our 20 year old wonderful Christian daughter (married only 8 months) was killed 12/31/68 while she and her husband were waiting at a traffic light. One of these irresponsible drunken drivers crashed the light when it changed. . . . The drunken driver penalty for all this was only $500 and a suspended six months in jail. . . . Isn't life very cheap these days.

ARCANUM, OHIO.—Three years ago our son was killed in a head-on collision by a drunk driver. . . . We believe that in spite of all of the new safety regulations and devices for cars the real safety lies in the condition of the driver behind the wheel.

BERKEY, OHIO.—It will be four years ago this May that our son was killed by a drunk driver. The driver was on the wrong side of the road, across a double yellow line, doing about 90 miles an hour, and dead drunk!

BLOOMDALE, OHIO.—Stricter laws governing operation of motor vehicles while drivers are under the influence of liquor has helped Great Britain substantially reduce the number of deaths in the last few years from crashes caused by drunk driving. . . . In the year, there were fewer accidents and casualties than in any year since 1962, despite a 48 per cent increase in vehicular traffic in the intervening years, involving the country's 14,000,000 drivers.

BRUNSWICK, OHIO.—We, as the Congregation of the United Church of Christ in Brunswick, Ohio, have a personal interest in your campaign against drunk drivers. Recently one of our finest members was killed by a drunken driver and it made us all realize what a senseless waste of life it was.

BURGETTSTOWN, PA.—My daughter, age 12, went to the school bus stop on March 26, 1969. She was standing off the road . . . , and never had a chance to run . . . . We lost our beautiful daughter that morning just by a reckless drunken driver. It will be one long lonely year without her March 26, 1970.

BURGETTSTOWN, PA.—Last March 26, 1969, my son Dan, age 12, and a young school friend, Brenda, also age 12, were waiting for their school bus. The time 7:25 a.m. The place a secondary road ½ mile off Route 22 in Paris, Pa.—That was all Dan could remember. I don't believe either child saw the car. He left the road 29 feet before striking the children. Dan was struck and thrown clear but Brenda was killed. The doctors believe she must have died instantly. Our son was very fortunate. He had a compound fracture of the left leg. He had four different casts. However, he did manage to finish his school work at home and his leg has healed very well . . . . All this because of a drunk driver at 7:30 a.m. . . . . The people who make the laws should go through one experience such as we have had and the laws might be changed.

CANTON, OHIO.—Can I ever forget when I was told my wonderful brother was killed by a drunken driver who had lost his driver's license repeatedly for accidents—and given them back again, so he could kill.

CANTON, OHIO.—(From the executive committee chairman of a large manufacturing company.) Drunken driving can be stopped. I get to Sweden every year or so and certainly there is no drunken driving in Sweden worth mentioning. When people go to a cocktail party they go in a taxicab and they come home in a taxicab. The law for drunks who drive is severe and positive. As a consequence, Sweden has very few accidents of any sort and certainly an infinitesimal number caused by drunk drivers.

I get to England every year and have been pleased to note the results that have come about from the enforcement of stringent laws concerning driving while under the influence of alcohol.

The State of Ohio and every state in the Union could cut driving by drunks if they really enforced the laws now in effect. We can save millions of dollars and thousands of lives every year if we would just make up our minds to enforce the laws.

CLEVELAND, OHIO.—Having an aunt and uncle killed when a drunk driver rear-ended their car into a canal in Florida makes one especially appreciate that something should be done.

COLUMBUS, OHIO.—(From a doctor.) In my experience one of the drivers has been drinking in at least 70% of the serious automobile accidents. Although deaths are counted in the statistics, the amount of suffering, number of operations, expense, scars, disability, etc. that victims who live sustain from auto accidents are not known to the public. The multiple trauma patient spends more days in the hospital than any other patient. If auto acidents could be decreased, the bed shortage that exists in our hospitals today could help be alleviated.

DAYTON, OHIO.—We have a good reason for pushing this effort as we lost a 20 year old son a year ago because of an 18 year old drunk driver.

EATON, OHIO.—We should learn from other countries. In Germany, you are only caught driving drunk one time. You are sentenced to at least 1 year in jail. This is lesson enough.

FAIRBORN, OHIO.— A known alcoholic hit 4 cars and then my brother-in-law doing 80 miles an hour at 2:15 in the afternoon. The next day he was out on bond. My brother-in-law is still in a coma. . . . It has been 7 months.

FINDLAY, OHIO.—Recently in our city a man was sentenced to jail for 6 or 9 months and a fine of approximately $500. A few days later he was released from jail and almost all of his fine suspended. This was for driving without a license and drunk driving. A day later he was involved again in an accident and he was drunk. If our judges give in for such things they will let him drive until he kills someone.

GLENDALE, OHIO.—I and my family were the recent victims of a drunken driver. We were hit from the rear going 60 mph on a 3 lane well lighted suburban interstate road.

GROVER HILL, OHIO.—We had two dear granddaughters killed last June 22 by a drinking driver. His license was never suspended for even one day.

SHREVE, OHIO.—My date, Jerry, was very handsome and we got in his car and started out for the evening. Fifteen minutes later Jerry lay dead beside me and we were both pinned in the front seat. I could only move one arm and putting my hand to my face I felt a hole in my face. I couldn't see and my whole body was racked with terrible pain. I heard a voice say, 'I think they are all dead.' . . . All the bones in my face were either broken, smashed, or gone completely, my right eye had to be removed. . . . After the accident I developed pneumonia and a kidney infection. Today, 2½ years later I feel like a miracle being able to walk. I am legally blind only having 20/200 sight left in the remaining eye and will soon be having my tenth operation. I will be having surgery for the next five years restoring my face. There is nothing that can be done for my vision.

Why am I in this condition? Why is Jerry dead? Two sisters, aged 24 and 27 at about 8:30 p.m. had a blood alcohol of .27% and were speeding and driving straight down the highway. . . . Straight into our car. They were thrown out of their car along with the motor and were killed instantly. . . . This was the fourth accident for the driver of the car. She had just gotten her license back. At least she can't kill anyone else. . . .

But these people that do drink and drive, don't they have a conscience? I only pray that something can be done so that others don't have to face life as I do now.

TALLMADGE, OHIO.—We have to change some of our antiquated laws, and put some 'teeth in them' making it mandatory to *surrender* license plates, for the length of the suspension time, in *all* cases of driving while intoxicated. Would be a step in that direction. Let the drunks *walk* to work! They will have less time to spend in the bars!

TOLEDO, OHIO.—15 years ago I saw my husband and 5 year, 8 month old daughter killed by one.

VAN BUREN, OHIO.—A dead drunk driver drove into the yard of our country neighbor, killing his educated, lovely young wife. She was not on the highway. Three children under 5 (were) left motherless. . . . The drunk was 70 years old. He got 3 days in jail.

VENEDOCIA, OHIO.—I get real sick deep down in my insides when I read of a drunken driver receiving only a sentence of 3 to 6 months in the workhouse plus $100 fine for the life of an 8 year old boy or girl.

WEIRTON, W. VA.—A 12 year old boy and a 12 year old girl waiting for a school bus 8 feet off the road were struck. The girl was killed instantly and the boy a broken leg in five places and may be crippled for life. . . . The man was found guilty by jury. He was given 2½ years to 4½ years and he served 60 days. He is out and . . . has been seen drinking and drunken driving as before.

WRIGHT-PATTERSON AIR FORCE BASE, OHIO.—As a matter of policy, any individual—military, civilian employee or dependent—guilty of driving under the influence on or off base here at Wright-Patterson AF Base is automatically suspended from driving on base for a minimum of one year. Other disciplinary action appropriate to the offense is also taken either under the Code of Military Justice for the military or for civilians referred to the appropriate civil authorities. In my judgment there is only one way to curb this menace and that is extremely stiff penalties against all proven guilty.

YOUNGSTOWN, OHIO.—To a great extent the courts must shoulder the responsibility for the continued carnage and damage on our highways. Leniency cannot and should not be shown to habitual offenders.

YOUNGSTOWN, OHIO.—I am enclosing the following clipping taken from the front page of our local newspaper dated Nov. 29, 1969. You will notice that it contains a photo of our granddaughter, who was needlessly murdered in a senseless accident on Thanksgiving evening. Police reports will verify that the man responsible for this accident had been drinking just prior to the incident which cost our little one her life. . . . I believe that all the lawlessness we are witnessing in our society today is a result of too lenient court action. . . . I feel that the law enforcement agents are doing a tremendous job in the apprehension of violators, not only in the traffic division, but in all phases of law enforcement, but too often I think their efforts to decrease incidents of crime and accidents are for nothing when law breakers are brought into court and are given a slap on the wrist and given suspended sentences and allowed on the streets to commit the same offense over and over again.

## UNTOLD CHAPTER OF REA HISTORY

### HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. DENHOLM. Mr. Speaker, on June 7, 1971, during a special order on the Rural Electrification Administration, I commented in a speech on the House floor that a substantial increase in REA appropriations is necessary for fiscal year 1972 because of the impact of inflation on the costs of various facilities and services provided by the cooperatives—and because of the impact of abandoned services directly the result of vacated premises by rural families in almost every rural area of this country.

I said in part:

Electrical power did not become readily available in South Dakota and in many other states throughout the Nation until the year of 1944. In that year, Congress passed the Agriculture Organic Act, popularly referred to as the Pace Act for its sponsor, Representative Stephen Pace of Georgia.

When the Pace Act became law, a concept of greater obligation consistent with the intent of the legislation was imposed on the cooperatives.

The rural electric cooperatives were required to adopt "area coverage" covenant resolutions to qualify for loan funds under the REA program. In 1950, the principle of area coverage was incorporated into and made a part of the loan contracts.

That portion of the history of rural electrification is especially significant because of the critical financing need affecting the rural electric cooperatives today.

The record shows that about 700,000 abandoned farms and rural residences required an original construction and service investment of approximately $700 million. The cost of the debt service and mortgage obligation must be paid by the remaining consumers now on the lines at about $31.5 million annually. Because of such circumstances the present debt service cost absorbed by remaining consumers on the lines of rural cooperatives in the State of South Dakota constitutes a sum of about $500,000 annually.

Since making those comments on June 7, I have had an opportunity to review a legislative history of the Pace Act that was compiled by Mr. Charles Samenow, who served with distinction the Rural Electrification Administration for many years. Mr. Samenow was legislative consultant and interagency consultant for the REA administrator when he resigned a few years ago.

The material compiled by Mr. Samenow during his distinguished career with REA is an untold chapter in the history of REA. That material provides undeniable documentation that the Congress intended that the purpose of the 2-percent 35-year REA loans were authorized by an act of the Congress that all people of rural America could have the benefit of electric power.

Two distinguished Members of this body, the Honorable JAMIE L. WHITTEN, and the Honorable WILLIAM R. POAGE, played an important role in the history of the REA program.

The official record of Journals of this House contain the debate that occurred in the second session of the 78th Congress on Public Law 425—the Pace Act—and Congressman POAGE then established clearly the purpose of the act with the following comment:

. . . This bill takes a long step in the way of providing rural electrification for all of the farms of America. It does it in a two-fold manner, by reducing the interest rate and extending the period of time, so that lines can extend to these remote areas spoken of by the gentleman from Idaho (Mr. White). In these great wide open spaces we find the greatest need of the service. This bill simply gives these people the opportunity they need to pay back the money loaned to them . . .

The record is also clear that REA felt at once that it had a mandate from the Congress to demand, as a condition precedent to the granting of 2-percent 35-year loans was that the borrowers of approved loan funds must provide service on an "area-coverage" basis.

The record shows how REA emphasized the principle of "area coverage" before applications were approved to potential borrowers of REA funds, how REA required "area-coverage" covenant resolutions, how REA required that borrowers have construction contracts approved—and finally how the "area coverage" provision was made a part of the loan contract obligation of the cooperatives.

Once the Pace Act became law, however, enforcement of the area coverage principle became a primary concern of the Agricultural Subcommittee of the Committee on Appropriations.

It was of special concern to Congressman WHITTEN. The hearings of the subcommittee from 1946 through 1950 reflect his deligence and dedicated interest in support of that issue.

The record indicates that Mr. WHITTEN did on repeated occasions inquire of the officials of REA as to what measures were implemented to assure compliance of the "area coverage" principle by the cooperatives.

Many people in the most remote regions of rural America that have enjoyed electric service for 20 to 25 years have electrical service because Mr. WHITTEN made it clear that this was a condition of the 2 percent, 35-year loans—and that anything less would be unacceptable.

While it is a matter of historical fact that rural electric cooperatives, in some cases, were reluctant to provide service on this area coverage basis, it is also a historical fact that they have done so universally.

Mr. Speaker, this record of service to rural America, for many years in the files of Mr. Samenow, deserves the attention of everyone interested in rural America, in fact everyone in America.

The following excerpts from the hearings of the House Appropriations Agriculture Subcommittee are submitted for the RECORD to provide appropriate recognition of the efforts of colleagues of this House and to document the foundation and the continued justification for the REA loan program:

HEARINGS BEFORE THE SUBCOMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, SEVENTY-NINTH CONGRESS, FIRST SESSION ON THE AGRICULTURE DEPARTMENT APPROPRIATION BILL FOR 1946.

PART 1

*Pp. 842, 843, 844, 845*

Mr. WHITTEN. There is one other matter I am especially interested in. That is the illustration which you gave us of De Soto County in Mississippi. Having represented that county in different capacities for about 12 years and of course knowing something

about the locality I have a great deal of interest in the illustration you gave.

I am wondering what your set-up provides to require the present association there to extend its lines so as to have this over-all coverage of the area which I think is a great advance in your planning of electrical systems under your set-up.

Judge Tarver brought out some of this information through some of his questions, but I would like to ask this. If the cooperative is not interested in connecting these new consumers because it will involve a little bit of expense, and they will not make any money on this particular connection, and I have no reason to believe that is their attitude what means do you have to see that the local association connects these other folks who might want service from them?

Mr. NEAL. I am very willing to answer that question, and it is a good one to raise at this time.

As you probably know, that cooperative has lines in about six counties.

Mr. WHITTEN. I know that.

Mr. NEAL. In those six counties there are 60,000 homes without electric service. We sat down and talked things over with that cooperative, the manager and, I believe, some of the board members. I say that because I went over the whole matter of area coverage with the cooperatives in Mississippi a few weeks ago.

In the first place, in giving consideration to an extension of existing notes from 25 to 35 years, we appraise it primarily upon the basis of increasing the ability of that cooperative to serve the thinner and more sparsely settled areas. When the cooperative applies for funds, it submits an application which includes a map showing the people who have signed up, with the houses designated, and the one who have not signed but who are considered potential consumers. When we make an allocation of funds for primary lines it provides sufficient funds to serve all of the people who have signed up and are included on that application and to serve at least half of the unsigned ones. That is our policy.

In considering applications from now on, provided we have adequate loan fund authorizations, so we can do it, we will consider them pretty generally on an area-wide coverage basis rather than upon the basis of a single line or extension.

On the basis of area-wide coverage, retail rates will be established and the budget set up. We have what amounts to an agreement between the R.E.A. and the cooperative to do these things.

If the board of directors of that cooperative decided that it did not want to go ahead on an area coverage basis and complete the job, this is the time we need to know about it, because there is still enough territory and enough unserved people that we could work with them in order that they could set up their own cooperative.

As you might expect, there have been a few cases where people, who manage the cooperatives, have lost interest in serving those people that are more distant. However, in my visits to about 20 States in the last 6 or 7 months, I have found that when you get the boards of directors and the managers all together and talk things over, they are 100 percent for doing an area coverage job in every State in which I have gone into the matter to that extent.

In some States, as Arkansas and Alabama, we have gone a lot further and a lot faster than we have in other States, because of the local situation, the attitude of the public utility commission, and so forth. We have had agreements and commitments from every cooperative serving the area. We have not yet gone that far in the State of Mississippi, because we do not have the funds and we are not quite ready; and, of course, the war is going on.

Mr. WHITTEN. I might state this: I do not know of any difficulty. I am not speaking from any personal correspondence that I have had, of any difficulty in that whole area. There are several cooperatives in my territory and in my district and I believe all are making an effort to extend their services. But, as you know, the public-utility companies, the privately owned power companies, in many instances have gotten the cream of the crop through the past years, and in some cases it has prevented them from getting a cooperative in there, because the cream was tied up with the local utility companies. For that reason it was uneconomical, and they could not show that they would be self-liquidating. The point of my question is whether you have permitted these older cooperatives to go in and get the cream of the crop and, in a way, do the same thing that the public-utility companies may have done in the past.

Mr. NEAL. That is an excellent question and I am glad to have a chance to answer it; and I assure you that it is not the policy of this Administration to encourage the cooperatives to follow the same course that the utilities have followed.

Mr. WHITTEN. Of course, with your new cooperatives you probably can have an understanding at the time the grant is made. That is, when they submit to you the list of those they have signed up, you can require them to take on additional folks to have an over-all coverage before the application is approved. But you are not in as strong a position with those already organized. Do you have any way, under the present set-up, if the present cooperative in De Soto County, let us say—and I have no basis for this supposition—should fail and should refuse to give adequate coverage of the county—do you have any way of lopping off that part of their system which is in De Soto County and take it in with the rest of the county so as to make an economical, self-liquidating project?

Mr. NEAL. I do not know whether we could force the cooperative to lop off part of its lines if it did not want to do so. But I do not know of any case so far where we have not been able to sit down with the cooperative's board of directors—because they are farmers, just as the other people are who are without that service—and talk things over and find a way to do the job. I am sure we are going to be able to do it in this case.

Mr. WHITTEN. I am vitally interested in this over-all coverage because, while your job may be to get the current to those residences that are now there, from my point of view it is just as vital to get the current to the entire area, because the residences and development will follow. It will be important to the development of the areas that are not now developed.

Mr. NEAL. That is exactly the philosophy we have, too.

Mr. NICHOLSON. May I say just a word in further answer to your question? One reason why we felt that next year we needed the amount of loan funds to which Mr. Neal testified was to take care of situations such as Mr. Whitten has been discussing. Because, when we make an allotment, we are bound by our statute to make a finding that the loan will be economically feasible.

We want to make these allotments on an area basis so far as possible and enable the borrower to design its system in the light of such adequate coverage. A handicap under which we have been suffering in the last 3 years is that we have not been able to allot funds in large enough sums to take care of the kind of project which ultimately will be the most effective and economical. So that, with such loan funds as we have available next year, we would want to be able to make allotments for a total project to be constructed as rapidly as possible. Much of it could be constructed under present conditions; some of it might have to be postponed; but in our consideration of the loan application, we could make available the money for the total project as we envision it, thus taking care of this problem of area coverage at the time when the matter is before us for consideration and when the obligation of the borrower for adequate coverage can best be established.

We have not been able to do that in the last 3 years, as we used to do before the war, and, as Mr. Neal said, we are anxious to get into that type of action on loan applications as far as we can.

That explains, in part, I think the considerable increase in funds that we are now talking about as compared with the sums we have been mentioning here in the last 2 or 3 years.

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HEARINGS BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES, SEVENTY-NINTH CONGRESS, SECOND SESSION OF THE AGRICULTURE DEPARTMENT APPROPRIATION BILL FOR 1947

PP. 1524 AND 1525

Mr. WHITTEN. Mr. Wickard, with regard to a cooperative which has already borrowed money from the REA and has gotten set up and organized, as long as they meet their payments to the REA, are they permitted, without any regulation or control by your department, to extend or grant extensions on the line without reference back to the REA; I mean, can they use any accumulated funds if their account is in date?

Mr. WICKARD. Yes; but the connections are subject to our approval.

Mr. WHITTEN. If they see fit to do so?

Mr. WICKARD. Yes; I think they can, subject to our loan contract.

Mr. NEAL. The loan contract provides that we have to approve those connections, but it is always a question of how enforcible those provisions are.

Mr. WHITTEN. The reason I ask that question is that if you have that reserved to yourself; that is, that right, now you could require that in any extension that they make it an area coverage before you approved it. I want to expand the coverage to everybody who wants service.

Mr. WICKARD. About the only real authority or recourse we have, is to foreclose the mortgage if there has been a violation of the mortgage, and that would not be quite the thing we would want to do to correct the situation you refer to.

Mr. TARVER. I think you misunderstood the question by Mr. Whitten.

Mr. WHITTEN. The question has been raised both by the chairman and Mr. Sheppard, too, I think, of high import that something should be done to see that the REA cooperatives themselves do not fall into the same practice that the utility companies did, and that is skimming the cream, so to speak. We all are interested in handling the matter, if it can be done, so that you will control it, so far as you are able, and they will be required to give an area coverage. Once they borrow money from you and set up a cooperative, you cannot go back and require them to do things within that field, but if they have to come back to you on any extensions of the line, then you would have again control in which you could make them give an area coverage in that extension?

Mr. WICKARD. Yes, sir.

Mr. WHITTEN. Before you would permit them to spend their own money or an additional loan to extend the line?

Mr. WICKARD. That is right. However, the trouble is that the instances of which we really are critical are those that do not involve the use of further REA funds, and we cannot add a new requirement to existing contracts.

Mr. WHITTEN. That is true. I knew you

would have a chance if they borrowed funds. I was trying to get to the point if they could use surplus funds, if they could do it themselves without referring it back to you.

Mr. WICKARD. Most of the contracts require that we approve all construction which they undertake. If they do not submit their plans to us we might say that was in violation of our contract. If we could not get them to do it voluntarily we would have to foreclose to enforce the contract.

Mr. WHITTEN. I do not think it is necessary. I doubt if it will ever reach that stage if you have a solvent cooperative. I do not think that you would actually have to carry it into a foreclosure of their mortgage. I think it is a matter that could be worked out between you, if you have such an agreement in your contract; and you state you do have in the average contract.

Mr. WICKARD. We have in the average contract a provision requiring them to inform us of all plans that they have for construction and submit those to us for approval. Is that not right?

Mr. BLACKBURN. That would normally be required in all cases if for no other reason than to make sure that the engineering design would fit in with the design of the part of the system that REA financed.

Mr. WHITTEN. That is a sufficient reason to bring it to you perhaps, but then once it is brought to you I think there are many reasons for you insisting on the other proposition as well.

PP. 1536 AND 1537

Mr. ANDERSEN. I think, as do the other members of the committee from their remarks, that a certain amount of observation is necessary to see to it that the various cooperatives do not skim the cream, but that they do give full service in an area formation?

Mr. WICKARD. Yes, sir.

Mr. ANDERSEN. I have had many instances called to my attention of farmers desiring to be connected up who have been turned down simply on the premise that there is not enough meters per mile. I wonder if your organization could not use its influence to make the local cooperatives more generous in that regard.

Mr. WICKARD. I want to say to you and to other members of the committee who have expressed the same interest, that we are glad to have your moral support in our efforts to get people who are in charge of these systems to see their obligation to their neighbors and to the Congress to make the service available where it is practicable and feasible to do so. I have often said to them that if we were going to grant a franchise to a utility to enter a city we would say, "You cannot use your own discretion about serving certain portions, you will have to make your service available to all." I think we should say that to the private utilities and to the cooperatives when they talk to us about serving the rural territories.

Mr. ANDERSEN. I might say that in my home State of Minnesota I realize what it means to my neighbors. It is entirely along the same line that lately I have been arguing with the Post Office Department relative to changes in their particular routes. They claim that they have a definite point which they cannot go beyond unless there are a certain number of patrons per mile. That policy, I feel they, should change, and I hope that the REA does not become impregnated with that policy to the extent where they will keep any farmer within a reasonable distance from securing the same service that is given and made possible to be received by others.

Mr. WICKARD. I share your anxiety, and I want you to know that REA makes every effort to get people to see their obligations to serve people in their project areas. In the great majority of cases our borrowers realize their obligation to make service available to the largest possible number of people. However, at the present time, we cannot force people to borrow money from us to do the task. That is why I am so glad to have your moral support and backing.

Mr. ANDERSEN. I think that you realize you have the moral support of this entire committee on this REA?

Mr. WICKARD. On this particular issue I am more satisfied now than I was before.

Mr. ANDERSEN. You also realize that it is up to us to see to it that everybody gets a fair break as far as possible.

Mr. WICKARD. Yes, sir.

Mr. ANDERSEN. That is all.

PP. 1519, 1520, 1521, AND 1522

Mr. TARVER. Mr. Wickard, we have had some evidence in past years, with reference to a part of your problem which I think may be briefly summarized in this way:

Some of these REA cooperatives which have been organized have developed a very profitable business. Really most of them appear to be in pretty good financial status but in some cases they have developed an unusually profitable business and they have sometimes a lack of interest in farmers outside of their cooperative whose needs for electric service if service were accorded them now would be initially very small, so small as not to constitute an attractive investment for the cooperative to extend its lines to serve them. Of course, I think the whole program has been founded upon the theory that with electric service the production of farms and the need of farms for electric current will be increased and that the building of extensions, or not, should not be based entirely upon what income results immediately from such extensions.

I think that was one of the reasons why REA was established, because the power companies, a great many of them at least, evinced an attitude of simply skimming off the cream of service and taking no particular interest in the needs of the consumers whose initial requirements would be small. Now what can you do with a cooperative which evinces a disposition of that type? That is, it is satisfied with its present business and does not want to make extensions to farmers where their present power requirements would be small and would not be productive of very large revenue?

Mr. WICKARD. Well, Judge Tarver, let me first say I heartily agree with you. I do not approve of that attitude. I think we should not go on the past records of consumption as the basis for establishing a standard for what might be consumed in the future. I think one reason why the REA came into existence is because the private utilities would not visualize how much electricity the farmers were going to use, and that is perhaps why they are as active as they now are in trying to get the cream off of what is left. You asked what we can do.

Mr. TARVER. First, do you find that some of the cooperatives do evince a disposition of the type I described?

Mr. WICKARD. I do; we have found instances such as you have described in various sections of the country. After a fashion, they might be doing a little cream skimming or at least they are satisfied with the membership or the consumption that they now have.

Mr. TARVER. Having gotten the service themselves they do not care so much about the other fellow.

Mr. WICKARD. Perhaps they have the idea of paying off the debt as quickly as possible so that they will get electricity at cost and then the rates will go down.

Now, we think Congress had the objective of seeing that all people who could be served in a feasible manner should get central station service. That is why Congress adopted various measures and has been so generous in its appropriations.

We only lend money to people who come to us with applications for a loan and we cannot force anybody to come to us with an application for a loan. I do not think Congress would want us to do that.

When we have requests from a large number of people who are unserved and who are apparently not being considered by the board of directors of a private utility, or it may be a cooperative, we write to the cooperative and say that these people have communicated with us in regard to obtaining electric service. They also may have written to their Congressmen. We say we think the cooperative ought to make a survey to see if these people's needs cannot be met within the requirements of the REA statute. We cannot force the cooperatives to build lines; we can only advise and encourage them in every way possible to extend service to the people who should have it and want it.

Mr. TARVER. Is it possible that there could be some amendment to the statute under which your work is conducted so as to require that REA cooperatives give some weight to your request that they should consider the right of such people to service, when the cooperative has refused to accord such service?

Mr. WICKARD. Well, I think perhaps that is a subject of study. However, I always like to think of this program, Judge, as one which came from the demand of the people and it should not be forced upon them.

I like to think of these cooperatives and these public utility districts as being autonomous in running their business and not being subject to severe regulation. Nevertheless when there are people being neglected either because of misunderstanding or selfish motives, responsible people or perhaps the Congress might consider some method of calling that situation to their attention. By this means it could be done more forcibly than we can under present legislation.

Mr. TARVER. I hope you may develop some type of legislation which would enable you to exercise some sort of authority over situations of that kind.

Mr. PLUMLEY. Mr. Chairman, may I interject one thought?

If your cooperatives will not do it, why not allow the public utilities in that area to give the service?

Mr. WICKARD. We are many times forced to tell the person who makes inquiry of us that REA cooperatives do not have lines in an area or that a cooperative could not serve them because they are in an area now being served by some private utility and they must take up the matter with their State commission.

Mr. TARVER. Of course, that question does not arise as a matter of conflict between the REA cooperative and the utilities? It arises where a cooperative has already built lines to serve the cream of an agricultural territory, and over to one side, perhaps, is an area where farms are located which will not be accorded service simply because to do so will not insure adequate revenue to the cooperative; those people cannot get service from a public utility and they cannot get service from the cooperative, for the cooperative sometimes seems to think it is desirable, as you say, to pay off its debt as soon as it can and lower the rates to its own members; and does not sometimes show any interest in trying to serve these other folks. Therefore, there ought to be, it seems to me, some authority somewhere which could investigate cases of that kind and take some corrective action in connection with them.

I hope you will give some study to the matter with a view to submitting to the Committee having jurisdiction suggestions as to how the existing statutes might be amended so as to take care of that problem.

I think I shall defer any further questions until we begin examination of the estimates.

Mr. Sheppard, have you any questions?

Mr. SHEPPARD. I was very much interested in what Judge Tarver brought out, and the complaints you are now receiving are a pat-

tern of the general psychology that caused the birth of the REA.

I would naturally assume that those organizations that are now functioning and functioning under the Organic Act presently, that it would be difficult to reach them through an amendment where they have a sustaining contract during their lifetime?

Mr. WICKARD. That is right.

Mr. SHEPPARD. But other contracts that might be drawn up might be considered upon the basis of service within certain minimum areas of some central point of distribution within the cooperatives' area of operation. At least it would be very interesting because if something like that is not done it might have a tendency to put the REA in somewhat of an unfavorable light, psychologically speaking.

Mr. WICKARD. I think there is that danger.

May I make this comment?

Mr. SHEPPARD. Surely

Mr. WICKARD. We have, during the past year, been doing a lot of talking about what we call area coverage planning. You know I referred to it in my prepared statement.

Personally I think it is more desirable to do this thing by education than it would be to try to do it under some act of Congress. As I have said, I do think a lot of persons in some areas are unserved because people in some of the cooperatives do not fully understand the objectives of the program or they have a selfish motive. We are doing a lot of work getting these people to see that they must not be guilty in any sense of the same thing that the private utilities have been guilty of and that they have no business taking out the heart of the territory and letting the rest of the people go without the service.

Now we also point out that they do not fully envisage the future of rural electrification; that there is going to be greater use of electricity in future years than we have seen in the past.

Lower power rates are going into effect all over the country, especially where there are hydroelectric developments, and even fuel-power generation rates are going down.

We point out to them the lower interest rate and the longer amortization period, and we just say we do not think there is any good reason why they should not be planning to extend service to everybody in the project area. The great majority of them in the last year or two have recognized and accepted this viewpoint. Their desire to extend service on an area coverage basis is perhaps why we have this unprecedented demand for REA funds.

Mr. SHEPPARD. We have been tendering REA what might be called a subsidy credit—perhaps "subsidy" is a little bit strenuous?

Mr. WICKARD. I do not like that word "subsidy."

Mr. SHEPPARD. All right, we will put "subsidy" out. We have been making finances available to them for a specific purpose and because the cooperative enjoyed those privileges they expanded their operations as rapidly as they could without destroying their own assets. I think that is a logical conclusion?

Mr. WICKARD. Yes, sir; that is right.

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DEPARTMENT OF AGRICULTURE APPROPRIATION BILL FOR 1948

PAGE NO. 1587

Mr. WHITTEN. Now, here is the next thing that leads me to believe that we need a stronger organization nationally.

The minute you make that loan to that local cooperative, you have had the opportunity and the duty, and you have checked the applications, seeing the number of users and the length of the lines and all of the situation that is expected to follow.

*Need for persuading cooperatives to extend lines to unserved areas*

Now, after you have made that loan, then the affairs of that local cooperative are controlled by the board of directors?

Mr. WICKARD. That is right.

Mr. WHITTEN. And you have no power to force them to extend their lines in any direction other than that which they said they would do when they got the original loan. That leaves, it then, that where only by a degree of persuasion and by constantly calling their attention to the necessity for carrying on to still other rural places, you are able to get them to do those things that were not in the original application.

Mr. WICKARD. Yes, sir.

Mr. WHITTEN. Now, there is one other way that you can have some power, of perhaps persuasion, and that is when they ask for additional loans for further extensions.

You can make those additional loans contingent on them doing certain things so far as an area spread, can you not?

Mr. WICKARD. Yes.

Mr. WHITTEN. When they come back for additional loans, to give attention to the area spread, and if those cooperatives are to really serve all the people in an area, instead of doing as the power companies have done in the years past—that is, serving the cream of the crop.

Mr. WICKARD. Yes, we do. We encourage them, as I said a while ago, to think now in terms of building the system to cover the entire area. We tell them that they should be planning their system so that they could reach that entire area in the most economical manner.

We have, of course, one other requirement which grows out of the so-called Pace Act. If we give them the longer period for amortization of their loans, they obtain it on the pledge of area coverage.

Mr. WHITTEN. What is the percentage? Since that act was passed, how is it running? Will most of them agree to borrowing on the longer period, to carry it out?

Mr. WICKARD. Yes, sir; the larger percentage of them.

Mr. WHITTEN. What is that percentage? You can supply it for the record if you do not have it.

Mr. NEAL. I think we ought to supply it for the record.

Mr. WICKARD. Yes.

(The information is as follows:)

On the basis of resolutions and reports received, it is estimated that approximately 74 percent of existing distribution system borrowers are extending service in their areas in accordance with the principle of area coverage.

Mr. WHITTEN. The point I am getting at is this: While this is a wonderful program, the Congress being on whatever side it was, I think it deserves a world of credit for setting up this program. I would like to call your attention to the fact that the farmer who still has not got current to date, you have not done anything for him until you get current to him.

The members of the old cooperative elect their directors, and an applicant does not have any choice in the selection of those directors, and the natural tendency is to slow down and to become solvent, and to pay off the indebtedness to the Federal Government, and to reduce the rates, and that inclination is a little stronger than it was when they originally set up the cooperative, and I am merely taking this time to urge you in every way possible to see that these cooperatives do not fall into the practice that the power companies did of being satisfied to serve their folks that they already served and not to reach out and bring in the others.

Mr. WICKARD. Congressman Whitten, we have observed some tendency on the part of a few boards, not very many, to say, "Well, now, if we do not serve an additional area, we will get out of debt that much sooner and we will get our electricity at that much less cost."

Of course, we require what we can, but we remind them that Congress created this program to take electricity to unserved people, in the manner that Congress intended when it created this program.

Mr. WHITTEN. I hope you will continue to harp on that situation.

Mr. WICKARD. We shall.

Mr. WHITTEN. Your organization, I think, should say to them that this money is loaned on a sound basis, that these cooperatives should stay on a sound basis, and that they meet the obligations to the Government, but the $20,000,000 which some cooperatives have prepaid in advance of its due date to the Government, I would feel like they would have done a better job if they would show us by force account they had taken that money and carried service to more and more residents in that area.

Mr. HORAN. May I interject there?

Mr. WHITTEN. Yes.

Mr. HORAN. I have asked, Mr. Whitten, a very fine constituent who is the head of an REA area in my district, just such an area as you speak of, who is doing his best successfully to cover an area of isolated farms to come before this subcommittee tomorrow morning at 10. I wish you could be here. His name is Mr. Carl Moore.

Mr. WHITTEN. I will certainly be here.

I have found that all of them want everybody to get service, but there is a difference of degree between wanting it as between as they did when they first got the cooperative and after they get it going and most of the people are satisfied.

There is a little change in the desire to expand the lines.

I wanted to show that you have no way of moving them to do it once you make the original loan.

All of us in Congress have letters from individual people who are unable to get service and who cannot understand why it is that you folks with the Rural Electrification Administration cannot direct the local cooperatives to extend that power out there.

Mr. WICKARD. Well, I am going to admit that we cannot use anything but persuasion, and appeal to them to extend their lines to their neighbors.

Mr. WHITTEN. That fact, now, if you will permit me to cut you off, that fact should come at the time of the approval of the original loan, and at the time of the approval of the supplemental loans, to see to it that the plan is on an area or a spread basis because unless you do it at that time you admit you are powerless later to force them to do it.

Mr. WICKARD. For the new loans, we are taking those steps and talking to people in terms of area coverage. Of course, there are times when, as we said this morning, we may feel that when a first loan is made we had better not make it for too large a territory until we see how they get along and how conditions are, but we feel that today every cooperative should make its plans and lay out its system to cover the entire territory. We are doing everything we can to persuade them to adopt that principle.

PAGE 1952

Mr. WHITTEN. May I say this: One of the troubles in the past, in my judgment, has been that the power companies extended their lines so as to take in the cream of the crop, so to speak, and that is a natural tendency when you are trying to maintain a financial structure and keep solvent.

In your planning, of course, where there is a cluster, or a number of farms in a given locality, it is mighty easy to build a line to them because they are pressing you to give them service, but in doing that are you giving attention to the plan so that service may be given them and then reach out to those who may not be quite as desirable from the standpoint of net income to you?

Mr. MOORE. Yes. We have given that considerable study and have mapped the entire county and the adjoining county, a part of which we served. We have mapped all the farms and marked them as potential consumers where they have not signed up. Although, as I mentioned a moment ago, we are restricted as to the amount of material we can get and the amount of construction we can carry on now. We plan the system on which we are working now in such manner that we can pick up those other farms. I think that is what you have in mind.

Mr. WHITTEN. Do you give attention to having a circular served? By that I mean, have your lines in a circle, as I believe it has been described, so that if there is a break in the line the only man out is the man right at the break and the current will go around both ways from your central station?

Mr. MOORE. That is correct. Up to date we have not been able to complete those loop circuits because it has been more important to us, with the small amount of material we are getting, to serve new consumers. But our lines are so designed that as soon as the material can be obtained we will be able, by beginning a quarter mile here or a half mile there, to complete those loop circuits and offer a better class of service than we are now in a position to offer.

Mr. WHITTEN. By planning it that way it will mean that it will be much less expensive for you to complete loop service than to let the system grow up helter-skelter and try to fit it in afterward.

Mr. MOORE. Yes, I think the engineering planning ahead is one of the important parts of the program.

Mr. WHITTEN. I have one additional thought that I would like to add. I know Mr. Horan has the same thought in mind, although I do not believe that it has been covered thoroughly. You mentioned the chief interest of the members of the committee and the Congress and of the REA would be to protect that investment. I would like to call attention to one other interest that we have quite naturally, and that is that all farmers in the area obtain service. We are just as much interested in the spread of your cooperative.

Now, having your cooperative in the area, doubtless you have taken the cream to the extent that it would be impossible to organize any other cooperative in the area, and whether the man who now lives there and does not get service ever gets it is dependent on you and your organization. Once you borrow the money from the Federal Government and set up your cooperative there is no authority in the Government to require you to extend that service. It leaves us and the people in your area dependent upon you and your board of directors to see that the benefits of this law are extended all the way within the area.

I might say further that, as you prosper personally, I am more interested in the money you get being used to bring in more customers rather than to pay off your debt in advance of its due date.

So it is a twofold proposition. One is to keep your organization solvent and protect the investment but, secondly, to see that the income is used, through force account or contract, to spread the service still further and see that other farmers have the same benefits that those have who now belong to your cooperative. I dare say that you are keeping that in mind in the operation of your cooperative?

Mr. MOORE. Yes. We agree with you entirely, that we have a heavy responsibility there in that we have gone in and taken part of the area and that we should complete the area on a coverage basis. We have certainly made plans to do just that. The delay has not been occasioned by our reluctance to bring about this area coverage but by the world conditions which have created a shortage of material there. I think during the next three years we will complete an area coverage in that area so that we will have no unserved farms.

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DEPARTMENT OF AGRICULTURE APPROPRIATION BILL FOR 1949

PAGE 511

Mr. WHITTEN. I have difficulty with some of my colleagues at different times with regard to maintaining supervision. I hear complaints from time to time that once a cooperative gets on a good working basis that there is a tendency to not expand their lines, especially in an area where they want to make too much money, and they will not make very much, but they want to take any increased revenues and use them to further reduce the rate and to make it a little more worth while for the fellow who happened to get in on it early.

Do you have any authority now to force payments of cooperatives, or expansion of cooperatives, to give service to other people?

Mr. WICKARD. We do not. We have no authority to make anybody borrow money who does not want to borrow money.

Mr. WHITTEN. I have several who were not interested in borrowing money. The people in that area would like to see them borrow, but they only use the force accounts.

Mr. WICKARD. We can only do that by a process of education. When people from a district like that write to their Congressman or make complaints about the fact that there is no effort being made, we might ask somebody to go into the territory and talk it over with them, talk it over with the officials, and tell them about their responsibility. Thus far we have been fairly successful in meeting those problems.

We have one in southwest Arkansas right now where, apparently, the officials of the cooperative are determined that they will not use all the funds available to them at the present time. We cannot cure all cases of this type.

Mr. WHITTEN. I knew the answer, of course, to the question that I asked, but I did want to show them for the record.

I have made use of your organization on several occasions to call attention of the local directors to their responsibility to the people generally; and, as I have frequently stated, as fine a program as this is—one of the greatest acts, I think, the National Congress has ever taken—all the REA systems and all the money that has been appropriated is of no benefit and no help to that man who still has no electricity. We have a continuing responsibility insofar as it can be done to expand that line.

Mr. WICKARD. May I say this to Congressman Whitten and the rest of the committee: We have used the very arguments made by nearly every member of the committee, if not every member of the committee, as to what the attitude of Congress was on getting service out of these people.

If we do have some cooperative officials—members, too—who apparently are ultraconservative and do not want to extend these lines, we tell them their action is not in keeping with the wishes of people in Congress who have a great interest in this program, and quite often that is very effective.

Sometimes we have read from the reports of your committee, and from the testimony given before your committee by the various members, to indicate to the cooperatives that they have a responsibility. The Congress does expect this program to be extended to everybody as fast and as rapidly as practical. Nobody should, in trying to get his own rates down, deprive his neighbor of this essential service.

Mr. WHITTEN. I should guess that in most cases I know about, at least, and I suspect in most of the rest of them, it is a case of not thinking much about the responsibility to the people generally, and I feel that the type of education which you mention that you give will be of benefit and will be very helpful.

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HEARINGS BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EIGHTY-FIRST CONGRESS, FIRST SESSION ON THE DEPARTMENT OF AGRICULTURE APPROPRIATION BILL FOR 1950

PART 2

*Pages 676, 677, and 678*

Mr. WHITTEN. In connection with that, and this is perhaps a good place to raise the question, as I understand it, once a cooperative is organized and once they get their loan and expend it, as you tell them to, then the actual operation is in the control of the board of directors. Are you having any trouble in getting any of the co-ops. to expand their lines into the thinner areas and to give service to the neighbors who have not been as fortunate as those already on the line?

Mr. WICKARD. Yes, sir, we are having some trouble along that line, Mr. Chairman. I think we are making progress. We have talked about area coverage now for a great many years, and I think it has become better accepted than it was formerly.

There was a time when apparently a lot of people had doubt as to whether these cooperatives would pay out. There were all kinds of prophecies of failure which may have made some of the boards of directors a little too conservative. There are a few instances, I suspect, where the board of directors and present members do not just exactly see the necessity or obligation they have of extending lines out into thinner territories because they have begun to pay off their indebtedness, and they feel if they have to get out into the thinner territories, there is a danger that the time will be delayed when they are completely paid out on their indebtedness to the Government.

Mr. WHITTEN. I have heard of a few cases in which they were anxious to let the benefits of their organization be reflected in reduced rates rather than expansion of the service. Do you have any control over the rates charged?

Mr. WICKARD. We do have control under our loan contract and we do approve the rates. But we do not initiate rate reductions unless they make the request.

Mr. WHITTEN. Let us say they make the request for a reduction in the rates, and you tell them: "Now you are accumulation surpluses here, and we think you should take that and extend your line and give service to the folks over here that have not had it."

Mr. WICKARD. We do take that responsibility. Of course, we have a further obligation, or we feel that we have, under the more liberal loan terms that were granted under the Pace Act in 1944. When the borrowers come to us with proposals to lower rates because of longer amortization period and lower interest, we say: "You must pledge to us that you are going to serve everyone in your territory."

So we are using those factors and those arguments to get the directors to these cooperatives to adopt an area coverage program.

Mr. WHITTEN. I do not know there is any need of filling this record again with the area coverage idea in view of the fact the committee has done that from time to time. I know you people in REA are vitally inter-

ested in area coverage, and I am sure all members of this committee are vitally interested in it.

As was stated earlier, the interest of Congress and the American people in this program is stronger perhaps than any other, and as a result of that, we have just wanted to be sure that every provision is made to permit you to see that there is area coverage. Unfortunately, when some folks get service they lose track of the fellow who does not have it or are not as conscious at least of his not having service as they were themselves at the time they wanted it.

And I wondered if, when applications for loans are made by going cooperatives for enlarging lines or for putting heavier lines in, if, at that time, you have the right to attach to it terms and conditions which would require them to give area coverage.

Mr. WICKARD. We do. When we grant advantage of the Pace Act, which is 2 percent interest and 35-year amortization period, we require them to take some board action which will bring about complete area coverage in that territory.

We have a few territories, of course, where some of the cooperatives are getting into position where they do not apply for more money. That presents a more difficult situation.

Mr. WHITTEN. That raises the point whether any change ought to be made in the approach where you retain some control even where the cooperative has met all its payments and obligations. And the question as to whether some jurisdiction and some control should not remain in REA to see that this service is expanded rather than merely paid out and continued to serve the folks in the program originally.

Mr. WICKARD. There is no question, as I say, Mr. Chairman, we do have the authority and we are exercising that authority when there is an application for an additional loan.

Where the people are not applying for additional loans, it is pretty hard for us to add anything to the loan contract already signed by both parties. You cannot very well do that.

Mr. WHITTEN. There is only one thing you can do about that situation. You cannot add to the contract and cannot add to the obligation of the REA borrower. You can learn your lesson and take care of that.

Mr. WICKARD. We are doing it and I think we are succeeding in getting acceptance. We do not have nearly as many cases as we had a few years ago when this committee brought our attention to a number of cases where people were not getting service apparently because of the attitude of the Board of Directors. We do have a few yet.

In the Tennessee Valley territory, a number of our borrowers are municipalities and they have not got quite the same attitude perhaps as the farmers' cooperatives because they have not thought of rural electrification as much as urban electrification.

*Service in rural areas*

Mr. WHITTEN. That has been one of the chief problems in the past, and I say you can learn your lesson from past experiences. I know many areas where rural areas have been taken on from funds borrowed from REA and by the municipality. Yet, because that rural area is tied in with that municipality, the remaining rural territory is so sparsely settled it would not be feasible to set up a new cooperative. I wonder if there is any basis on which you can call on the municipality to release the area they serve so as to make it available for the organization of a new co-op.

Mr. WICKARD. We have one case before us now which is not only a question of getting the municipality to undertake an area-coverage program, but to give the rural consumers representation upon the governing board.

Mr. BLACKBURN. I believe, recalling the conversation we had a few days ago, in which I said that if the municipality wants to borrow money to extend more lines into the rural territory from us, they must first pledge that they will give everybody service in that territory, and second, give representation to the rural people on the board.

To carry that a little bit further, we contemplate if we cannot accomplish it in that way, a new cooperative may be formed.

Mr. WHITTEN. That is certainly worthy effort to bring about what is being discussed. On the other hand, you probably should reserve the right to make exceptions for the reason that sometimes you may have a rural area which is too small an area to make it feasible to organize a new cooperative. So, if you follow that policy through, you should reserve a right to make exceptions in those cases where that is the only way the rural area can do that.

Mr. WICKARD. In case of municipalities, most of them I know of are receiving enough revenue that they should not worry about it. I think if you will look at it from the standpoint of their having obligations to the entire community there is not much reason to worry.

Mr. WHITTEN. I think you will find the committee here would recognize that they had it, but the problem is getting them to recognize it.

PART 2

*Pages 1005, 1006, & 1007*

Mr. CRADDOCK. Any cooperative or REA program misses the boat if we follow a cream-skimming policy in serving only part of the people, and that is what I would like to call to your attention here.

Mr. WHITTEN. How can we do something about that? Shall we amend the REA to give authority to the REA to see that it is done, or else move in on your local people, or what?

Mr. CRADDOCK. I think it will eventually take care of itself in the areas we are now serving. Public opinion will force a solution. Our revenues are so much greater than anyone anticipated that now with those extra revenues that they are receiving from more electricity being used, they can move on out into those thinly settled areas.

Mr. WHITTEN. There is no question but what they can do it, but they will not do it. That is what I'm talking about.

Mr. CRADDOCK. Well, your local board of directors on that particular cooperative should have vision enough.

Mr. WHITTEN. I agree with you, but they do not. So what should be done?

Mr. CRADDOCK. That is a problem, of course. It is a problem that confronts each individual cooperative.

Mr. WHITTEN. Do you think it would be wise to require in the basic law as a condition to the loan that the national REA retain some supervisory power whereby they could move in where the cooperative fails to meet the problems?

We have people in every district in the country who feel that Congress has failed to meet this problem and that that is the reason why they have not gotten electricity.

Of course, that is not the reason at all. The funds are here. We have never refused a deficiency appropriation for REA. We have also increased the authorization. The Congress has done everything and yet the local cooperatives will not take advantage of it.

During the war there were, of course, shortages of material, and the shortages were very real. We do have some fine cooperatives where they realize what the situation was. The members themselves did not have electricity a few years ago, and they are just as anxious to carry it to others.

However, over the United States we have many others who are just sitting back and perhaps doing a little work by force account.

I know that, because I get complaints from other members of Congress who call us and want us to give more money to REA. REA has every dollar that is neccessary to meet the problem, and they will get every dollar. However, the solution of the problem rests with the local cooperatives.

Mr. CRADDOCK. You are correct about that.

One of the ways to help that along would be to increase the amortization period to 50 years, in my opinion.

Mr. WHITTEN. You could give a man a thousand years, and if the fellow will not come in and ask for it, then what?

Mr. CRADDOCK. Well some boards of directors naturally want to keep their cooperative in tip-top shape, and they should guard it very zealously to see that it pays out as it goes.

Mr. WHITTEN. Some of the local managers have as much a job in running a small cooperative as they would running a large one. It is a lot of trouble getting everything ready.

There seems to be a tendency to leave everything rest in the hands of the manager. These people have not had too much experience with electricity and they leave the things to the manager who should know about the electrical business.

Then you have this division of territory, and one cooperative does not want to get over into another territory, and the other one will not want to get over somewhere else.

This is a serious problem and it really has held back the extension of these lines to the millions of people you are talking about altogether.

The Congress has been willing at all times to provide all the funds necessary.

Mr. CRADDOCK. I will agree with you that that is a problem.

Mr. WHITTEN. Can you give me any suggestions as to how we can handle the problem, Mr. Craddock?

Mr. CRADDOCK. One way to handle it would be to retain in REA supervisory authority to require that the local cooperative go out and serve the farms or rural families that are not getting service. That would be a mighty fine thing and would not hurt the cooperative. I think you have the authority now in that as long as it is feasible from an economic standpoint REA can require it.

Mr. WHITTEN. That is true, as long as they will come in and ask for new loans, under pressure from this committee. They now have an understanding that they will do it.

But our problem is that they will not come in and ask for the additional loan.

Mr. HORAN. Mr. Chairman, I wonder if it would be all right to ask Mr. Craddock to express himself on the feasibility features of the loan requirement. That might have a direct bearing on this point.

Mr. CRADDOCK. Well, about those extensions, I know I am confronted with that because I live in northwest Texas where that is a real problem. I am sure that is also more or less universally true. It is a problem that is going to have to be solved, otherwise you will have 30 percent of your people who will never receive the benefits of electricity.

But to give a horsebacker's opinion on that thing, how it should be handled, that is a major problem. I think it might be brought to attention through the administrative end of REA.

I still say that if the amortization period was to be increased 15 years and then a selling program started all those individual cooperatives would fall in line and it would accomplish what we would like to see accomplished.

Mr. WHITTEN. You are talking about something you would like to see done, but what can you do if a fellow is not taking any money at all?

That is not the thing that is holding them up. It is not the lack of seeing how the loan is paid back that is holding us up; it is something else.

Mr. CRADDOCK. It seems to me that you are going to have to do some hiring and firing to get that accomplished.

Mr. WHITTEN. We cannot hire and fire, but I do believe it is time to put some authority in Mr. Wickard and his group to require that the local cooperatives carry out the intent of the act and carry out its work to the other rural people just like the Congress carried it out.

I am sorry I did not raise this point earlier so that we might have had the benefit of other people's views.

Of course, there will be a big howl about letting Washington run the local cooperatives, but sometimes it is necessary to do so.

Of course, there is such a thing as one charge lesser than another. You get the charge that the Congress is not trying to get electricity for these people and that that is the reason why they do not have it.

Mr. HORAN. To bring the entire problem into focus, it will be necessary also to consider the generation, because there is no point in trying to extend lines if you have no power to put into the lines.

It also brings into focus the possibilities inherent in your main transmission systems. If they would have a grid type, a lot of these isolated areas now would be nearer a main transmission line.

No matter which way you turn, you are going to run into controversy on this problem, unless we solve once and for all the problem of maintaining a sufficient generation of industrial and farm and domestic power and use, and, secondly, solve the problem of getting it to places where it is going to be used.

So we get right in the middle of this fight as to who is going to own the generation facilities, who is going to transmit the power, and who is going to retail it.

We cannot avoid it, so we might just as well enjoy the scrap while it is going on.

Mr. Speaker, the history as documented is clear and the labors of the distinguished chairman, Mr. WHITTEN, and our colleague, the Honorable Mr. POAGE, are a major part of the history of the REA program. The "area coverage" concept prevailed—the darkness of the last frontiers is lighted. The rural people through the REA cooperatives have kept the faith, fulfilled the burden of the covenant and performed beyond the spirit of the program as documented in the annals of history of this House. Who now shall urge bad faith or failure of performance of this Congress? The full appropriation as recommended by the honorable chairman, Mr. WHITTEN, and the members of that distinguished committee must be and should be approved without delay.

SUMMARY

The need for action is as necessary and equally essential today as it was in the early history of the REA program.

The impact of abandoned services has resulted in accumulated costs to fewer consumers.

The impact of inflation has resulted in higher costs of construction and service of essential facilities.

The resulting consequences of both of the aforesaid factors have brought untold problems to management of REA cooperatives in the constant objective of uninterrupted "area coverage" service to rural America.

I commend the directors, management, and the personnel of the national rural electric effort for the diligence and dedicated effort they have so ably performed through the years in providing the highest quality of continuous service to the people of rural America at an unprecedented and minimal cost to the consumers. In my judgment, REA is the right effort for America. The right effort for America is for this Congress to keep faith and perform the obligation of adequately financing the contract and covenant so long ago committed to the REA cooperatives. The report of the committee must be approved and the appropriation allowed.

## TWO STORIES ABOUT RUSSIA

### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. REID of New York. Mr. Speaker, I insert in the RECORD an editorial from the Reporter Dispatch which depicts in tragic and human terms the plight of the Jews in the Soviet Union.

Not only have the Soviet Jews been denied knowledge of their culture, the right to speak their language and the right to study their religion, but also they are now persecuted and convicted when their only crime is a desire to emigrate to Israel.

I call this issue to the attention of my colleagues because the need is great for a ringing affirmation by the leaders of this Nation of human rights and liberties throughout this world.

[From the Reporter Dispatch, White Plains, N.Y., May 22, 1971]

TWO STORIES ABOUT RUSSIA

President Nixon obviously attaches high importance to the Soviet Union's agreement to discuss limitations on offensive as well as defensive missiles.

This descision, he said, breaks the SALT (strategic arms limitation talks) deadlock and puts negotiations on a hopeful track. Until now the Soviets have wanted to limit the talks to defensive weapons while the U.S. has contended that any prospective agreement should cover both offensive and defensive nuclear weapons.

Thus, in substance, the Soviets now agree.

At face value that's a promising development, but whether it brings a U.S.-Soviet arms limitation accord any closer is another question that can only be answered by future movement, or lack of it, at the SALT talks.

It is one thing for Communist governments to agree to negotiate. For them to negotiate sincerely toward a mutually acceptable goal is something else again.

If a further note of skepticism may be pardoned, it might not have been the merest coincidence that Moscow helped set the timing of this splashy announcement as a means of topping another story that emerged almost simultaneously from the Soviet Union. That was the one about the labor camp sentences dealt to nine more Jews by a kangaroo court in Leningrad.

This was a sequal to last December's conviction of 10 other Jews accused of conspiring to hijack a plane to Sweden and emigrate from there to Israel.

The defendants in the latest so-called trial were variously accused of helping the conspirators or engaging in "anti-Soviet slanders." What the trial was really all about may never be known. Western correspondents were barred from attending and had to rely on official reports from the Soviet news agency Tass.

Tass said the defendants had all "confessed" and had openly "repented."

Maybe so, but the real culprit in the putative "crime"—which never reached the point of commission—was the Soviet government. In nearly every instance, the defendants had sought, and been denied, permission to emigrate to Israel.

It is not difficult to imagine the desperation that may have caused them to try to flee the country without permission—a high crime in the Soviet Union, even without the hijacking element.

The same restrictions apply to all Soviet citizens, but the difference is that Jews who cling to their religious and cultural traditions are special targets for harassment and persecution in the homeland so few of them are permitted to leave.

So the real "crime" for which the hapless defendants were convicted in Leningrad was the fact of being Jewish and being proud of it.

Such is the continuing condition of Soviet "justice."

## "CHARLIE McCARTHYISM"

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. SCHMITZ. Mr. Speaker, recently, members of the House Republican Conference were asked to attend a meeting to hear the presentation of the report of the 1971 White House Conference on Youth.

The report "Recommendations and Resolutions," is a 313-page affair which is in most respects utterly predictable. The recommendations reflect little consideration and consist of the same tired old cliches we have been subjected to for sometime now:

Total withdrawal of all U.S. military forces and cessation of logistical support, both overt and covert, from Indochina by December 31, 1971.

We recommend that, so far as criminal laws are concerned, a woman should be free to determine for herself and (sic) her own reproductive life. Therefore, all laws prohibiting abortions should be repealed.

Neither of these "recommendations," of course, takes any account of the innocents who would be slaughtered as a result of the implementation of such policies—neither the South Vietnamese nor the unborn child. But the recommendations go on and on, revealing much of the document as cant and, in many cases, sheer drivel.

Did the delegates who made these recommendations constitute, as they claim to have, a broad and representative cross section of American youth? Eyewitness reports from attending delegates reveal some most startling facts. Of the more than 1,000 youth delegates expected to attend, about 900 actually showed up. There were 400–500 "adult" delegates.

The representative cross section, we find, was actually not so representative. The delegates were drawn from the ranks of leaders and activists, and thus did not represent all those American youth who are not in one way or the other in posi-

tions of activism. Additionally, minority groups were over-represented by 50 percent. There was an under-representation of working youth and an over-representation of college students—15 percent of the U.S. population are college students, 21 percent of the delegates were.

Many of the recommendations were voted on in task forces and not by all the delegates. The Foreign Affairs Task Force is illustrative. On questions of U.S. foreign policy, foreign students—who made up 10 percent of the task force—were allowed to vote. Adult delegates—those over 24—were not allowed to vote.

Preparation of the preliminary reports and position papers was done by a staff funded by the White House and headed by Stephen Hess, a presidential appointee. Mr. Hess is anything but sympathetic or objective with regard to what most people regard as administration policies, and it is incredible that he was entrusted with such propaganda machinery. Given the fact that the White House obviously disagreed with many of the ludicrous proposals set forth by this Youth Conference—for example, 37 percent of the delegates voted to demand the resignation of the President, Vice-President and their entire staffs—one can only speculate whether its creation was motivated by masochism or a pronounced death wish.

It appears that the delegates who were invited came, not to discuss the issues, but to announce their solutions to all the problems of the world. They propounded their proposals for the millenia in a hurried, resolution-passing 2½ days. There are still those of us who believe that all ideas are not equal and that one ought to have more than a vague emotional opinion about a subject before issuing ex-cathedra pronouncements.

Members of Congress, the House Republican Conference, were expected to earnestly receive these brayings as the collective voice of American youth. The discouraging thing is, many Congressmen listening to this compilation of schoolboy nonsense seemed actually to take it seriously.

The American public—though it had to foot the bill for this puerile enormity—will hopefully not swallow these recommendations so easily.

## YOUNG VETERAN MAJORITY SPEAKS

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. DERWINSKI. Mr. Speaker, as the debate over Vietnam increases in intensity while the President pursues his Vietnamization policy of reducing U.S. troop involvement, it is necessary that some attention be given to individuals who support the President's program in an effort to balance the tremendous coverage which critics receive from the communications media.

Therefore, I feel a column by the internationally respected foreign correspondent of the Copley Press, Dumitru Danielopol, in the San Diego, Calif., Union of June 14, is worthy of special attention.

The column follows:

YOUNG VETERAN MAJORITY SPEAKS

(By Dumitru Danielopol)

The "Vietnam Veterans for a Just Peace" is another "silent majority" that has decided to speak up.

It challenges the presumption of "the Veterans Against the War in Vietnam" to speak for the majority of Vietnam veterans.

"Only 1,000 anti-war veterans demonstrated," points out Lt. John O'Neill, one of their spokesmen. "Two and a half million Vietnam veterans didn't."

He accused John Kerry, of the anti-Vietnam war veterans organization, of misrepresenting facts when he testified before the Senate Foreign Relations Committee and when he claimed to interpret the feelings of the majority of those who fought in Vietnam.

Kerry cannot speak, O'Neill said, for the 500,000 Vietnam veterans who joined the Veterans of Foreign Wars and the American Legion, nor can he speak in the name of another million men who served in Vietnam and still are in the armed forces.

"The President does our talking for us," he said.

The new organization, P.O. Box 116, Vandeveer Station, Brooklyn, N.Y. 11210, endorses President Nixon's Vietnam policies.

The overwhelming majority of the men who fought this war, it says, believe they were doing the right thing. They were not fighting to preserve the regime of Thieu or Ky, as the liberals and New Left spokesmen intimated, but "our commitment is to the people of Vietnam."

"We believe in the right of self determination and the policy of the President is the correct way to achieve it," O'Neill said.

They support Vietnamization and believe the South Vietnamese can ultimately defend themselves.

O'Neill makes these points:

1. American forces in South Vietnam have helped drive the main enemy forces into the jungles and barren mountains.

2. Eighty per cent of the South Vietnamese people now live in relatively pacified areas. Free local elections have been held and new presidential elections are upcoming.

3. South Vietnam has one million men under arms and almost one million peasants have been armed in local militia to defend their homes and crops.

The veterans warn that the immediate withdrawal of U.S. forces from Vietnam, as advocated by opponents of the President's policies, would play into the hands of the Communists. It wouldn't mean an end of the war, but could precipitate similar Communist aggressions in other parts of the world, they fear.

"The terror and carnage in Hue, Dak Son, Phu Thanh, An Hoa Orphanage, etc., merely serve as a prelude and previews of what may come," the veterans say.

"We went to Vietnam to do a job and we did it under the worst conditions," O'Neill said. "We have given the South Vietnamese the opportunity to be free of outside or Communist domination."

I doubt if O'Neill will get much attention from the "peace at any price" bunch like the Averell Harrimans, the Edward Kennedys, the Frank Churches, the Birch Bayhs, the Mark Hatfields, the Philip Harts, the Paul McCloskeys, the Don Riegles, etc., etc.

But if enough people listen to him, we may not have to create a new crop of veterans in some other Vietnam.

## THE NUMBER ONE SOCIAL ISSUE OF OUR TIME

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the excellent statement by Milton J. Shapp, Governor of Pennsylvania, on Drug Addiction and Rehabilitation, before the House of Representatives Select Committee on Crime.

This is a serious problem that must be met at all levels of Government. Governor Shapp is to be complimented on his active interest and deep concern in seeking adequate solutions to the U.S. drug problem, which Governor Shapp correctly calls "the number one social issue of our time."

TESTIMONY OF MILTON J. SHAPP, GOVERNOR OF PENNSYLVANIA ON DRUG ADDICTION AND REHABILITATION

The drug traffic in this nation is the number one social issue of our time.

It could destroy us.

But it could also be contained, controlled and, finally, defeated by enlightened government action.

It is unfortunate that there has been no concerted, nationwide effort to deal with the drug problem, mobilizing the coordinated resources of national, state and local government.

Recent announcements by the Administration here in Washington, and other national sources, are encouraging.

But we have never fought a battle like this before.

We do not have the knowledge we need.

We don't have all the tools and we don't by any means, have the money.

For example, the $155 million sought by the Nixon Administration is woefully inadequate to meet the need.

New York State alone spends $188 million annually.

In Pennsylvania we have estimated our statewide needs at a minimum of $45 million. Facing realistic budget requirements, we have appropriated $20 million for the next fiscal year. This amount will but permit us to inaugurate a reasonable program.

But if such amounts are needed in New York and Pennsylvania, it is obvious that much more than the $155 million allocated by President Nixon will be needed nationwide if we are to really come to grips with this problem.

Gentlemen, you must make up your minds to wage total war on the drug traffic in America.

That war will call for an enormous commitment of our knowledge and our resources.

The alternative to such a commitment will surely be more wrecked lives, further social deterioration, an ever increasing crime rate and ultimately the potential destruction of our society.

In Pennsylvania today, our best estimate of the number of heroin addicts is between 30,000 and 50,000 persons.

In Philadelphia alone there are between 15,000 and 20,000 heroin addicts and between 25,000 and 30,000 persons addicted to other narcotics or dependent upon other dangerous drugs.

The economic impact of the drug problem is as startling as the human toll it takes of its victims.

In order to make the $50 or $70 a day it takes to keep the habit alive, the heroin ad-

dict usually steals goods with a market value of $100 to $150 or more which he then sells at a lower price.

Based on these figures, Philadelphia alone suffers a property loss of over $500 million a year. Statewide, it would not be unreasonable to claim that the loss approaches a billion dollars annually. This is in addition to the fact that two-thirds of the muggings and street crimes are drug connected.

Those are the harsh economic facts, facts with which you are probably all too familiar.

But the question you want answered today is this: how can the national government help us, at the state and local level, to deal effectively with the problem? Assuming a federal financial commitment, where would the money go?

When I took office last January, I called upon the State Legislature to inaugurate the first comprehensive statewide drug control and rehabilitation program in our history, to include the problem of alcoholism.

As I said before, estimates as high as $45 million were made to fund the program. Finally, we settled on a first year figure of $20 million, spread through a number of departments, with the central coordinating point being a Council on Drug Abuse within the Office of the Governor.

I was astounded to find that the State of Pennsylvania had, on a payroll of more than 100,000 people, only 30 special narcotics agents charged with the responsibility of controlling the illicit drug traffic.

So, first, we intend to upgrade the positions of the narcotics agents, add more men and give them better training.

Second, we intend to greatly intensify the active role of the Pennsylvania State Police by giving them the tools they need to fight the traffic and apprehend the wholesalers and retailers. For security reasons, I cannot here detail the present work of the State Police in this regard, but I can assure you that their work will have an impact. In my budget for next fiscal year, I have called for the creation of 240 additional positions for State Troopers for assignment to the drug control force.

In both the Departments of Health and Public Welfare, we intend to expand our programs for rehabilitation and for basic and applied research into the proper cures for addiction.

The status of the rehabilitation of addicts, not only in Pennsylvania, but throughout the nation, is in the Dark Ages. I might add though that education concerning the danger of drugs reaches the level of the Stone Age.

We are far short of the need in terms of rehabilitation. Rehabilitation doesn't stop at the door of a treatment center. It must follow the former addict back into the world, to the point where he becomes, once again, a productive member of society.

We are starting to develop realistic programs that recognize that process in Pennsylvania.

For that reason, I have wholeheartedly endorsed the proposal by my Department of Community Affairs that they use part of their on-going job training program to train former addicts for employment. I have increased their job training appropriation for next year, but we are short of sufficient funds to do the job to the fullest extent since we are only able to produce $4 million for the entire program.

Seventy per cent of the men presently serving time in state prisons have drug connected records. Recognition of the drug problem within our prisons and a program to cope with it will become part of our overall program of prison reform.

But, at the same time, I am encouraging our State Board of Probation and Parole to continue seeking federal grants under LEAA and to devise programs whereby those on probation and parole, with drug connected records, can receive the appropriate follow up in this vital arm of our corrections system.

At this point, I want to mention that I am fully aware of the tremendous problem of drugs among our returning Vietnam veterans. Today we are holding a meeting of the appropriate agencies of state government to chart a statewide program for returning veterans, with special emphasis on the drug situation. I shall be happy to report our proposals to this committee.

Presently, in Pennsylvania, treatment is being accomplished by several kinds of facilities. These facilities range from emergency beds in some hospitals for immediate problems to private hospitals for long range treatment.

We have therapeutic communities like Gaudenzia House, Eagleville Sanatorium and Teen Challenge Farms. We have halfway houses, non-profit treatment centers and counseling organizations.

The dominant impression received from those worthy efforts is one of fragmentation. I suspect that "fragmentation" is one of the key descriptions for our nationwide effort thus far.

Another dominant word for the effort thus far is "inadequate."

There are only six methadone maintenance clinics in Pennsylvania, serving approximately 1,300 addicts.

And the Commonwealth of Pennsylvania has *no State facility devoted solely to the drug problem.*

Let me add that my remarks are not meant to downgrade the fine work done by our people at both the private and public levels.

They have done an excellent job.

Particularly through the Law Enforcement Assistance Agency here in Washington, they have had federal help.

But, if they were with me today, they would tell you the same thing I am telling you, that the fight against drug addiction is fragmented and inadequate.

At best, there are a minimum number of beds devoted merely to detox at some state hospitals. Programs for rehabilitation and for after care, to the extent they are available, are privately administered with a negligible degree of state or local involvement.

These activities must be coordinated. Recognizing the need for coordination, I have already discussed with Governor Cahill of New Jersey a joint effort between our states to stop the illicit traffic in drugs over interstate lines.

Under our 1971–72 budget proposal, the state will do more to cooperate with the local communities.

But we desperately need much more than even the state can provide.

More and better facilities . . . professional people in greater numbers . . . better enforcement . . . a full education program starting in the earliest grammar school grades . . . and all of these initiatives call for a massive infusion of help from the federal government.

Gentlemen, provide the professional assistance and financial resources of the federal government to our states and the job can be done.

When analyzing the national need, remember that $45 million is what we really need to cope with the drug problem in the nation's third largest state for the first year of operation. Remember that our state appropriation is also $20 million. Extend those figures nationwide and you will get a good idea of the minimum needed from Washington.

The important thing now is to act.

I am convinced that we can make great strides if we but apply our collective resources and imagination to solving the number one social issue of our time.

Thank you.

## BLACK EXPO '71 IMPRESSIVE, INFORMATIVE

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## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. BRAY. Mr. Speaker, I was recently privileged to attend Black Expo '71 at the Indiana State Fairgrounds in Indianapolis. The following story from the June 21, 1971, Indianapolis News gives a detailed account of this outstanding civic event:

BLACK EXPO '71 IMPRESSIVE, INFORMATIVE

(By Philip Allen)

Black Expo '71 has left the State Fairgrounds but not without leaving lasting memories, information and even insight into the advancements and progress blacks have made in Indiana.

More than 50,000 persons visited the two-day event over the weekend. Visitors saw more than cultural, educational and commercial booths in Exposition Hall. They saw black identity in all shapes and forms—in commercial products, educational and business opportunities, and most significant, a pictorial history of the Hoosier black man since the Civil War.

James C. Cummings, Jr., chairman of the event, said Black Expo was "a total commitment on the part of the total black community in Indianapolis."

He said the exposition, however, "was designed for the total community."

"The exhibits pointed out exactly where we started and to what heights we have risen," Cummings said. "It was kind of a progress report."

FOR YOUNG BLACKS

He said the exposition was designed particularly to attract young blacks so they might gain insight into the actual advancements their race has made.

"We wanted to show all black people," Cummings added, "that while we still have far to go, potential success now is guaranteed us, and I think this is particularly true in Indiana."

The fair also included entertainment, gospel sounds, a religious service and a basketball game.

At a variety show Saturday night in the Coliseum, the Dells, Honey Cones and Donny Hathaway performed, followed yesterday morning with an ecumenical church service.

The Martin Luther King Jr. benefit basketball game, played yesterday in the Coliseum, featured more than 25 stars from the American and National Basketball Associations.

OTHER FEATURES

In addition, a gospel show, poetry readings, art shows, dramatic presentations and soul music shows were given.

Organizations that helped sponsor Black Expo '71 included the Urban League, National Association for the Advancement of Colored People, Indianapolis Chapter of the Southern Christian Leadership Conference, National Business League and the Federation of Associated Clubs.

Other sponsors included: Black Panther party, Interdenominational Ministerial Alliance, National Council of Negro Women, Community Action Against Poverty and Model Cities.

Businesses with exhibits included The News and The Star, William H. Block Co. and L. S. Ayres & Co. Nonprofit organizations and philanthropic concerns also were represented.

## THE NIXON SYNDROME

### HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. RIEGLE. Mr. Speaker, in last Friday's Washington Post, there appeared an enlightening article written by Rowland Evans and Robert Novak concerning the real story of the discovery of massive heroin addiction among American troops in South Vietnam. Pointing out how a freshman Congressman was the person to bring this tragedy to the public, the article further explains how the Nixon administration minimized the impact of Representative ROBERT STEELE's revelation. A copy of the article follows:

THE NIXON SYNDROME

(By Rowland Evans and Robert Novak)

When a young freshman Republican congressman returned from Vietnam in mid-April with a horrifying story of massive heroin addiction among American troops, he was met by icy irritation from the White House—thereby underlining a political failure that has always bedeviled the Nixon administration.

In fact, the new anti-heroin program unveiled at the White House yesterday stemmed directly from revelations of Rep. Robert Steele of Connecticut. But before that happy point was reached, the 32-year-old first-termer, a Republican moderate, was subjected to the same old mode of operations by President Nixon's staff that has disheartened so many Republican politicians.

Steele's experience is a case study of the Nixon syndrome: the isolation of the President, the arrogance of much of his staff, the White House fetish for secrecy, and the administration's inexplicable refusal to put its best foot forward.

Actually, the Nixon administration has been vigorously working on the drug problem for two and one-half years under the guidance of John Ehrlichman's domestic policy staff at the White House. But nothing much was getting through to the increasingly anxious public or Congress, thanks to the secrecy mania and the Teutonic fastidiousness of the Ehrlichman staff.

Moreover, the White House had been sitting on a secret certain to sicken the American public: beginning in December, 1969, heroin addiction among American troops in Vietnam steadily rose toward epidemic proportions. Typically, instead of putting this problem before the public the White House tried to cover it up.

So pervasive was the heroin traffic among Vietnam GIs, however, that some journalist or visiting congressman was bound to be hit in the face with it. That was precisely what happened when ex-CIA agent Steele and another first-year congressman, 39-year-old Chicago Democrat Morgan Murphy, visited Vietnam. They returned to Washington convinced that the profusion of cheap high-grade heroin in Vietnam was magnifying the national drug crisis in a truly terrifying way.

Even then, the White House could have recouped. Steele, a loyal Republican was not about to attack his own President. Mr. Nixon could have extolled the energy and initiative of a freshman congressman and, in the process, given the impression of forceful prosecution of the problem.

But he did no such thing. At this writing, the President has not even conferred with Steele. Nor has Ehrlichman. Instead, the congressman was shunted off to two young members of Ehrlichman's staff: Egil (Bud) Krogh Jr., 31, Ehrlichman's deputy, and Jeffrey Donfeld, 28, a specialist on drug problems.

Krough and Donfeld greeted Steele's revelations with a posture of boredom and indifference, the hauteur that has made the Ehrlichman staff unloved on Capitol Hill, Donfeld, in particular, confronted Steele in a mood of now, now, my boy, we don't need your advice.

Furthermore, Mr. Nixon tried to minimize the impact of Steele's revelations. At his press conference June 2, the President suggested addiction of Vietnam troops was merely part of the national drug problem—ignoring this harsh fact inherent in Steele's report: soldiers returning home as heroin addicts would never have been introduced to the drug had they not gone to Vietnam.

Both this position by the President and the coolness of his staff toward Steele stem from their awareness that the Vietnam heroin story provides powerful propaganda to the antiwar campaign for a precipitous troop pullout from Vietnam and further undermines diminished faith in the nation's armed services. To cope with this, the White House characteristically pretended it did not exist.

Beyond this, staffers Krogh and Donfeld, having worked night and day on the drug problem, were genuinely irritated by a very junior congressman who had become a 24-hour expert. In so doing, they again betrayed the exasperation of the White House with the legislative branch and its dim realization that Congress exists as a coordinate branch of government.

Within the last few weeks, more politically experienced presidential aides (including counselor Donald Rumsfeld, an ex-congressman) stepped in to take a more conciliatory position with Steele. As a result, Steele, though still chilled by his treatment at the White House, has nothing but praise publicly for the President and his comprehensive new program announced yesterday. But in the Republican cloakroom, the real story is well known and once again betrays to all how shockingly little the White House has learned about the trade of politics.

## OPEN DATING

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. ROSENTHAL. Mr. Speaker, a recent survey by the Consumer Federation of America showed widespread sale of overage infant formula by grocery and drugstores in five States.

Fifty-seven percent of the stores were selling formula that was more than 18 months old, the maximum shelf life according to industry and medical sources, the CFA reported.

In most cases, consumers were unable to tell the age of the product. Those few that did have expiration dates frequently had them obscured by price stickers or blurred.

This experience points up the need for specific legislative action to protect consumers from the problems of overage and possibly unwholesome foods. It also is further evidence of the need for prompt action on my bill, H.R. 8438, the "Open Dating" bill, which would require that expiration dates be clearly stated on all packaged perishable and semiperishable foods.

I am inserting in the RECORD at this point a news clipping about the CFA survey on infant formula:

[From The Washington Post, Friday, June 11, 1971]

INFANT FORMULA

The Consumer Federation of America charged yesterday that a spot-check of grocery and drug stores in five states indicated that 57 per cent of the stores are selling infant formula more than 18 months old.

Eighteen months, CFA said, is the "maximum accepted shelf-life established by various companies and the people we have contacted in the medical profession."

The Food and Marketing Committee of the CFA surveyed 110 stores during April and May in Arizona, California, Illinois, Louisiana and Oregon. A similar survey was conducted in Virginia last January which prompted the nationwide check. CFA said large amounts of outdated formula were being sold in Virginia.

The survey revealed evidence of leaking cans, price stickers pasted over expiration dates, and blurred or missing dates and markings, asserted Erma Angevine, CFA executive director.

CFA requested that leading manufacturers—Gerber Products (Modilac), Mead Johnson (Enfamil), Pfizer (Baker's), Borden (Bremil), Ross (Similac)—immediately recall all stale formula, advise retailers of the necessity to make regular and frequent checks of supplies, and begin printing the shelf expiration or manufacturing data clearly on all containers.

CFA urged the Food and Drug Administration to oversee removal of old formula from the market and to set and enforce freshness standards promptly.

## A TRULY GOLDEN ANNIVERSARY

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. BRASCO. Mr. Speaker, not a day passes without some tribute being paid to our immigrant heritage. Most Americans, however, rarely take the trouble to ascertain more about the roots and reality of that heritage.

It comes from many places in the old country, and nowhere is it better represented than in the city of New York and my own borough of Brooklyn. As the immigrants arrived here, more often than not penniless, helpless, and unable to speak English, they relied on the ideals and institutions they were able to uproot and bring with them.

Often these took the form of small societies, based upon what region or town some of these new arrivals hailed from in the old country. Based on religious and communal ties, many of these societies have written glowing chapters in American city life. Such an outstanding group is the First Wloszczower Society, Inc.

This Hebrew association is nonprofit and was formed in New York on March 12, 1921. It shortly began to act as a welcoming and adjustment group for newly arrived immigrants, who so often in the following years came as victims of the worst kind of persecution. Innumer-

able American citizens today made their first difficult transition from immigrant to useful citizen because of this society.

The First Wloszczower Society acted as a social brotherhood, extending financial aid to the needy, supporting numerous charities, and standing by the new arrivals in times of stress and tragedy. They did everything from help in birthing the living to burying the dead. This work continues today in a glittering example of an ongoing social brotherhood. Such organizations are classic examples of why Americans of Jewish faith have made such significant contributions on all levels of American life.

In recent years, the society has expanded its horizon, outlook, and activities, reaching many who would never have benefited otherwise. It is concerned with the general welfare of the surrounding community, regardless of who belongs or lives there. Its donations and good works on behalf of all the people of New York are well known, respected, and eagerly sought.

This year it celebrates its 50th anniversary. A special day was set aside in its honor by the president of the Borough of Brooklyn. I join in congratulating the First Wloszczower Society of that occasion. Long may they prosper and continue their good works among us.

## LEGISLATIVE REORGANIZATION ACT OF 1970

### HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. DICKINSON. Mr. Speaker, last year after considerable debate the House of Representatives voted to include in the Legislative Reorganization Act of 1970 a provision to allow the minority side proper committee staffing. At that time, every Member of this body had an opportunity to decide the question and vote according to the dictates of his own conscience, keeping in mind the general good of the whole House, then, in direct contrast to the will of the "majority"—and I use that term in its generic sense without reference to partisanship—the Democratic caucus in January of this year decided arbitrarily to overturn that vote and bound its members to follow the will of its leadership. With the introduction of the "minority staffing" resolution, the House now has an opportunity to right this grievous wrong in the spirit of fairness and return to the minority side the protection it deserves and needs with the assurance of adequate committee staffing. The very foundation of this body in which we serve is the realization that there are two sides to every question, and I believe it is this willingness to get at both sides of the question and seek the best possible answer for all concerned that has made our country the great Nation it is today. In order to protect the rights of the minority and afford it ample access to the services of professionals who share the views of the minority, we have no other recourse but to pass this resolution.

## "PROGRAMS FOR PEACEFUL COMMUNICATIONS"—A PROGRESS REPORT FROM THE AGENCY FOR INTERNATIONAL DEVELOPMENT

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 22, 1971*

Mr. ZABLOCKI. Mr. Speaker, in 1969, the House Committee on Foreign Affairs amended the Foreign Assistance Act authorizing the President to use technical assistance funds to carry out "programs for peaceful communications" which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less-developed countries.

This provision of the foreign aid legislation is section 220, programs for peaceful communication.

It resulted from a series of hearings held earlier by the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs.

Those hearings, which I chaired, demonstrated the need for increased U.S. attention to, and assistance for, programs which harness the new electronic media to solving the problems of development by use of effective modern communication.

During the 2 years that section 220 has been in the foreign aid bill, the Agency for International Development—responding positively to this congressional initiative—has increasingly concentrated its attention in this field.

In order to document this increased program support I recently asked the Agency to prepare a detailed report of its activities in pursuit of the objectives set forth by section 220.

It has now responded with a report which indicates that AID's activities in the area of communications technology are expected to grow from $4.5 million in fiscal year 1970 to as much as $13.7 million in fiscal year 1971.

Further, there is the expectation that AID will continue to make this an area of emphasis within its Technical Assistance Bureau.

Because of the importance of these communications-related programs to the cause of worldwide economic development, I am placing the AID report and a letter of transmittal in the RECORD at this point and urge the attention of my colleagues to them:

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
*Washington, D.C., March 30, 1971.*

Hon. CLEMENT J. ZABLOCKI,
*Chairman, Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Per Mr. Bernstein's letter of January 29, 1971 enclosed is a status report of completed or proposed actions relative to Section 220 of the Foreign Assistance Act since April, 1970. Also enclosed are data on actual project obligations for FY 1970 and estimated obligations during FY 1971.

Within existing limitations, we are hopeful that A.I.D. assistance to communications technology activities may increase from 14 projects totalling $4.5 million in FY 1970 to as high as 24 projects totalling $13.7 million in FY 1971. This is a substantial increase in A.I.D.'s communications technology program.

We are encouraged that the operational projects being tested seem to be moving well. For example, in El Salvador schools television is reaching 11,000 students in the seventh and eighth grades and will reach 50,000 by January, 1972. This will be a large enough number to test cost/effectiveness of this type of activity.

Your committee has been interested in A.I.D. establishing centers for concentrated attention to the uses of communications technology in developing countries. We are doing so. FY 1971 funding provides for one center which will be concerned with a broader approach to uses of educational technology in the developing countries. FY 1971 funds have already been allocated to help establish a center in Hawaii. These centers will stress a systems approach and are important in providing trained and skilled personnel from the United States and developing countries to work on communications technology overseas.

In another effort to bring top quality private talent to bear on communications technology in development, A.I.D. has contracted with the Academy for Educational Development to help improve strategies for carrying out both research and action programs and to recommend new applications for such technology. As the report reveals, communications technology work is furthest along in the education field. During FY 1971, it is expanding in family planning work and greater attention will be given to its potential in agricultural development in FY 1972.

We appreciate the support which your subcommittee has given to A.I.D. in programs for peaceful communications and assure you that we will continue to press forward with the program.

Sincerely yours,

MATTHEW J. HARVEY,
*Director, Congressional Liaison Staff.*

REPORT ON PROGRESS IN IMPLEMENTING SECTION 220 FAA—AUTHORIZING PROGRAMS FOR PEACEFUL COMMUNICATIONS

I. SUMMARY

Section 220 of the Foreign Assistance Act authorizes funds for programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural and community development purposes in the less developed countries (LDCs). A.I.D. is directed to assist the developing countries with research, training, planning assistance and project support in the use of television and related technologies, including satellite transmissions. (See Appendix for full text of Section 220.)

As noted in last year's report to the Congress, A.I.D. believes that communications technology has significant potential for development when effectively applied on a sufficient scale and for an adequate period as a system, not just as an engineering technology or as a supplement to standard educational efforts. By "system" we mean the systematic development and application of concepts, plans, equipment (hardware), instructional materials (software), management and evaluation of results. The system must take account of social, economic and

political factors surrounding it. The hardware capabilities are most familiar. Therefore, A.I.D. is concentrating attention on the other aspects of such systems.

In order to support LDC efforts most effectively, A.I.D. is following five general principles in programming its scarce communications resources:

1. Focus on pilot projects which may contribute to major breakthroughs in the development of communications systems.

2. Provide qualified professional staff to help make these pilot efforts effective.

3. Develop programs that are problem-oriented, not communications-media-oriented, i.e., design the technology to meet the needs of the key problems rather than searching for uses of available technology.

4. Develop local competence with particular stress on systems-oriented project planning, project administration, quality content development, careful evaluation, and planning for continuing innovation.

5. Consider the cost-effectiveness of multipurpose communications systems.

A.I.D.'s attention to communications technology is reflected in increased financial support. FY 1970 obligations totalled $4.5 million. Depending on the availability of funds in FY 1971, up to $13.7 million, may be obligated for proposed projects. The number of projects increased from 14 in FY 1970 to 24 proposed in FY 1971. (See project list in appendix.) The possible tripling in A.I.D. funding between FY 1970 and FY 1971 is indicative of the growing efforts by A.I.D. to carry out the intent of Section 220 of the Foreign Assistance Act.

The successful mass dissemination of education and information by traditional means is beyond the financial and resource capabilities of most of the LDCs. Many countries are becoming aware that mass communications techniques may provide a significant part of the answer in education, population, agriculture and other areas.

However, LDC experience with such techniques is still limited. No large development-oriented communications systems have been tried in the developing countries. Therefore, the questions of size and cost/effectiveness cannot yet be satisfactorily addressed. Too few people are trained in key aspects of operating large, public communications technology projects, such as planning, program development, administration, and evaluation. Lack of electricity and maintenance skills, inadequate supply of instructional materials appropriate for newer communication technologies, plus language differences are significant roadblocks in many parts of the developing world.

Utilization of communications technology is farthest along in the educational sector. Interregional staffs are concentrating on communications technology as one of three key areas in education. Use is also increasing in the field of family planning. In those countries in which the "Green Revolution" is taking place, modern communication technologies are being utilized to achieve widespread adoption of new agricultural technology. Countries such as the Philippines, Korea, Vietnam, India, Pakistan and Turkey have one or more daily radio programs and, where available, TV programs to carry pertinent reporting. Especially in the Philippines and Vietnam, mobile audio-visual units have been used to teach farmers the technology needed to cultivate the new high-yielding rice varieties developed at the International Rice Research Institute. Nevertheless, more experimentation is needed to determine whether increased use of communications technology in agriculture would be useful. Expert consultants will be employed during FR 1972 to explore the potential for expanded A.I.D. support of LDC efforts to use communications technology in agriculture.

## II. BACKGROUND

In the April 30, 1970 statement of Dr. Joel Bernstein before the Subcommittee on National Security Policy and Scientific Development of the Committee on Foreign Affairs, House of Representatives, A.I.D. reported on its plans and actions in response to Section 220, Programs for Peaceful Communications, of the Foreign Assistance Act of 1970. That statement described twelve projects which A.I.D. has been supporting in the past several years prior to introduction of Section 220. Significant developments for some of these projects during the last year are summarized below.

*El Salvador—Educational reform through instructional television*

Started in August 1968, this is the most important project involving communications technology assisted by A.I.D. The number of seventh and eighth grade students covered under the new system increased from 7500 in April 30, 1970 to 11,000 in February 1971.

The El Salvador ETV project is a program of potential international significance because of the ambitious attempt by the Government of El Salvador to effect major educational reforms with the help of technology. Television is being used in an effort to reform junior high school education, develop new educational objectives, make curricula more relevant to development needs, introduce new and more effective instructional methods, and retrain every classroom teacher. Television is being used as the key element in modernizing an entire educational system. The scale of operation is large enough to permit adequate analysis of the cost/effectiveness of communications technology innovations. El Salvador hopes to reach 50,000 junior high school students with this program by January 1972.

AID-financed assistance has played a major role in helping to plan and implement this project. Technical assistance totalling $1 million to date has provided help in curriculum development, teacher training, television production, and administration. An $8 million loan for primary level classroom construction and for extension of the television based reform to both primary school grades has been approved by A.I.D. A proposed $1.9 million loan to provide technical assistance for a two-channel instructional television production, transmission, and reception system is under review.

In cooperation with El Salvador A.I.D. started a detailed evaluation of this project in July 1968 through a contract with the Academy for Educational Development, utilizing experts from Stanford University and other institutions. This is perhaps the most comprehensive effort at scientific evaluation of an educational innovation yet undertaken in a developing country. The evaluation encompasses studies of student learning, teacher attitudes, costs, administration and societal effects. The primary function is to learn as much as possible about benefits which may be applied by other countries in similar uses of instructional technology educational reform programs.

*Kenya—Radio-correspondence education*

This project has developed materials and trained staff for the use of radio to broadcast general education training programs directed toward upgrading the level of education of Kenyans. 55,000 course guides and 400 tapes have been prepared and 7 course writers trained. A.I.D. grant assistance amounting to $670,000 will be completed in FY 1971 and responsibility for program administration will be transferred to Kenya's Institute of Adult Studies at that time.

*South Vietnam—Instructional radio program*

An educational materials program of substantial magnitude was started in Vietnam in the early 1960's. A radio education project developed through the Instructional Materials Production Center produces radio programs which are broadcast twice daily to Vietnamese classrooms. Started in 1967, this radio service has developed a library of some 300 fifteen-minute radio programs and is designed to reach 95% of the children enrolled in school.

In agriculture, use is made of demonstrations, printed materials, TV and taped radio programs. The effective operation in the National Rice Production Training Center of communications technology contributed to the success of the accelerated rice production program. In public health, newspapers, films, radio spots and TV shows are all used.

*Southeast Asia regional center for educational innovation and technology*

Under sponsorship of the Southeast Asian Ministers of Education Organization, a Regional Center for Educational Innovation and Technology has been established. The program will focus on identifying and resolving education problems of the region through systematic and innovative approaches. Stress will be on the development of solutions to educational problems involving both new technology and a restructuring of present methods and uses of materials and equipment.

Initial study and training programs are underway at temporary quarters made available by the Government of Singapore pending relocation in Saigon.

The Center program will involve key educational personnel of the eight cooperating countries (Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam) and will be coordinated with current efforts of each country. The A.I.D. FY 1971 grant assistance is estimated at approximately $385,000, including contract services of two U.S. advisors. This compares with A.I.D. grant assistance of $83,000 in FY 1969 and $350,000 in FY 1970. Future support will be on a multi-donor basis.

## III. DEVELOPMENT OF NEW INSTITUTIONAL CAPABILITIES AND PROJECTS

Since the report on A.I.D. activities related to peaceful communications on April 30, 1970 considerable progress has been made. A.I.D.'s current assistance efforts can be separated into three major parts:

A. *Research, Development and Evaluation,* laying the groundwork for more effective use of the communications technologies.

B. *Planning and Assisting* with the initiation of projects.

C. *Supporting Operational Projects.* In line with Section 220, A.I.D. uses non-governmental institutions and state universities, coordinates closely with other Federal agencies, such as HEW, NASA and INTELSAT and works with international and regional agencies.

Summaries of selected projects are presented below. A list of other projects may be found in the Appendix.

### A. Research, Development, and Evaluation Projects

1. Using Section 211(d) funds, A.I.D. is supporting the establishment of centers for use of modern communications in social and economic development. The first international center for educational technology in the developing countries is being set up at a State university under a $1 million five-year grant. The grant will strengthen the university's capacity to: (1) apply developmental systems research to educational technology, (2) design alternative systems for application of educational technologies, (3) collect, analyze and disseminate research materials, (4) develop an interdisciplinary resource base for research, consulting, and operations, including training of LDC and U.S. specialists and (5) establish working relationships with organizations and projects concerned

with use of educational technologies in the developing countries.

A.I.D. has also agreed to provide $1,047,000 in FY 1971 grant funds to assist in establishing a similar Center at the East-West Center of the University of Hawaii which will focus on the use of radio, television, motion pictures and other modern communications techniques in assisting in family planning and other aspects of economic development. With the help of the Stanford University Communications Center and other U.S. universities, the Hawaiian institution will undertake analysis, planning, training of personnel, research, provsion of consulting services and evaluation of projects relating to the use of communications technology in economic development, with special emphasis on family planning.

2. In one project (Analytical Services in Relating Communications Technology to Development) the Academy for Educational Development (AED) is studying (a) comparative educational effects for LDCs of a variety of technological and media combinations; (b) estimates of the availability of satellites and other communications technologies for the LDCs over the next five years; (c) priorities for research and development in LDC educational technologies; and (d) steps that countries planning to use satellites or similar technologies might desirably take before deployment of such systems. AED is also preparing a series of policy studies on uses of communications systems in nutrition, population, formal and non-formal education, agriculture, and community development. As part of this project George Washington University is studying more effective uses of communications technology focused on the rural family unit and the urban poor family unit. Special attention is being given to integrating the use of these techniques into formal basic education, nutrition, and maternal and child health activities.

3. Negotiations are under way with a leading university to provide advice on costs and engineering and technical aspects of alternative telecommunications techniques. A project is being developed to undertake research on the use of low-cost communications technologies in education.

4. An International Advisory Committee of ten to twelve experts is being established with A.I.D. assistance to meet periodically on policy development and serve as project consultants. The committee will be composed of experts in communications, instructional technologies, education, economics, systems planning, social and behavioral science, electronics technology and possible substantive areas such as nutrition. Members will be drawn from LDCs, multilateral agencies, and the U.S. A.I.D. is also sponsoring an international conference on communications technology and social development to be held in June 1971.

5. A program to test and evaluate El Salvador's ETV-based educational reform described earlier is well established in another A.I.D. project utilizing experts from Stanford, Harvard and Drexel Universities. There has been comprehensive testing of student achievement, student and teacher attitudes, effect on teaching methods and student intellectual skills. Comparisons are being made between classes with TV and other modern elements and traditional classes with no TV by observing teachers and students in the classroom. Cost and manpower requirements are being studied. Initial results useful in policy making will become available by Spring of 1971.

6. Under a project to study Latin American educational technology, Florida State University will help selected Latin America countries analyze, evaluate and prepare project designs involving innovative techniques for reducing educational costs per unit. First studies are planned in Brazil, Colombia, Panama and Guatemala. In a subproject Florida State is studying present use of ETV and potential use of satellite range telecasting in Brazilian schools. These activities will help determine the scope of uses of funds under a proposed educational sector loan to Brazil. A.I.D. provided $118,000 in FY 1970 for research and plans $110,000 in FY 1971.

B. Planning and Assisting in the Initiation of Projects

1. A.I.D. is assisting the planning of field projects using communications technologies. In Korea, Florida State University has completed an analysis of the education sector, including possible application of educational television. A.I.D. has also financed four seminars for LDC participants in family planning communications techniques.

2. A.I.D. will also assist three African countries (Lesotho, Botswana, and Swaziland) in applying educational radio combined with programmed learning. A.I.D. also has sent a team to the Congo to assess possibilities for the expansion of educational television and radio.

3. In FY 1970 India began to test television broadcasting for information-education support of family planning. This was undertaken partly in anticipation of the satellite broadcasting project now planned for FY 1972. The pilot experiment is being funded with trust fund rupees provided by the A.I.D. Mission.

4. A.I.D. staff and consultants have been working with UNESCO and other organizations in developing projects in the Ivory Coast and India.

C. Support of Operational Projects

1. The Government of Colombia has requested grant A.I.D. technical assistance to carry out a major reform of the administrative and planning divisions of the Ministry of Education and to increase cost/effectiveness through use of promising innovations and educational technology in the formal and non-formal educational systems. If the proposed project is approved, an A.I.D.-financed contract team will (a) assist in training the staff of the Ministry and universities, (2) provide computerized data management and capacity for systematic analysis of data and (3) develop capacity for analysis of cost/effectiveness of the formal education system and of innovations involving educational technologies in both formal and non-formal education. If the results of controlled experimentation prove favorable on a cost-effective basis, it is hoped that the Government of Colombia will commit itself to innovations and use of educational systems on a national basis, with A.I.D. assistance in the form of an education sector loan. A.I.D. has tentatively budgeted $440,000 of technical assistance funds for this project in FY 1971.

2. The rapidly evolving satellite technology will understandably play a larger role in the communications field. The INTELSAT system already links more than 40 nations, including many developing nations, and the initial steps are being taken to test the feasibility of using this system for educational and development purposes. In general, use of satellites for internal communications seems to be more practicable in large countries, with widely dispersed populations that are not yet linked together by ground networks with an expansion capacity. Within a few years INTELSAT satellites will have the capability to broadcast directly to thousands of village receiving sets, and, as previously mentioned, several developing countries are considering development of their own satellite capability to serve internal commercial communication needs and at the same time provide new approaches to development problems.

3. Increased assistance is being provided by A.I.D. to strengthen the information, education and communications techniques used by the developing countries to support family planning programs. A.I.D. help is being extended through the International Planned Parenthood Federation, the Pathfinder Fund, the Population Council, the United Nations Program, the Population Center of the University of North Carolina, Church World Service, World Education, Inc., the World Assembly of Youth, and other institutions.

In FY 1971 A.I.D. proposes to finance a contract to improve techniques of family planning education overseas. Specialists will assist selected countries in developing and using audio visual, radio and TV materials to foster family planning.

At the request of the Philippine Government, A.I.D. has provided $774,000 for the first full year of a family planning information program. This money will help support the Media Production Center of the Government with technical advisory aid, commodities and funding help to coordinate the use of information, education and communications techniques by Government, private agencies and institutions. The intended educational-communication support entails extensive use of radio, television, motion picture, and other mass media.

4. In another project (Information Preparation and Dissemination Educational Technology) the Academy for Educational Development is responsible for (a) producing a film on the educational technology projects in El Salvador and Niger for distribution to LDC officials and AID Missions, (b) preparing a handbook and an annotated bibliography for education planners; (c) conducting seminars on modern educational technologies, initially in Brazil, El Salvador, Korea and Singapore; and (d) sending small teams of experts to selected countries to help develop education planning concepts. An information reference service now operating under the project includes a system of responding to inquiries and an Information Center in Washington where visiting overseas specialists can review materials, watch illustrative films and video tapes, and be directed to other sources of information.

APPENDIX

AID PROJECTS RELATED TO COMMUNICATIONS TECHNOLOGY

(Obligations, in thousands of dollars)

| Project title | Amount | | |
|---|---|---|---|
| | Fiscal year 1969 cumulative | Fiscal year 1970 actual | Fiscal year 1971 estimated |
| INTERREGIONAL | | | |
| Education: | | | |
| Evaluation of educational technology systems | | 168 | 210 |
| Information preparation and dissemination | | 116 | 110 |
| Analytical services (strategy) | | 471 | 109 |
| Educational technology for training teachers of English as a foreign language | [1] 1,444 | | 40 |
| 211d grant for Education Technology Center | | | 1,000 |
| Research in educational technology | | | 200 |

Footnote at end of table.

| Project title | Amount: Fiscal year 1969 cumulative | Amount: Fiscal year 1970 actual | Amount: Fiscal year 1971 estimated |
|---|---|---|---|
| Population: | | | |
| Assistance in information, education, and communications activities | | | 1,600 |
| Training films—production and distribution | | | 600 |
| Computer-assisted training in family planning | | | 282 |
| Development of information, education, and communication base for services and training (East-West Center) | | | 1,047 |
| Inventory and analysis of information and communications (East-West Center) | | | 312 |
| Family planning education through adult literacy programs | 53 | 295 | 470 |
| REGIONAL PROJECTS | | | |
| Latin America: | | | |
| Regional educational technology (in selected Latin American countries) | | 118 | 110 |
| Regional development of multidisciplinary competence in education | | 600 | |
| Regional use of Intelsat as an educational services medium | | 100 | |
| Brazil: Portion of educational sector loan for innovations, including communications technology | | | 2,500 |
| Colombia: | | | |
| Educational technology and management | | | 440 |
| Instructional TV | 600 | | |
| El Salvador educational reform program: | | | |
| Grant | [1] 1,053 | | |
| Loans | [1] 10,100 | | |
| Africa: | | | |
| Kenya: | | | |
| Radio correspondence education | 482 | 188 | |
| Radio/TV information | 1,139 | 183 | |
| Nigeria: Advanced Teacher College | 4,650 | 650 | 190 |
| Near East and South Asia: | | | |
| Regional activities: Programed learning (India/Pakistan) | 60 | | 10 |
| East Asia: | | | |
| Regional: Southeast Asia Center for Educational Innovation and Technology | 83 | 350 | 385 |
| Korea: Education policy and planning | 486 | 241 | 178 |
| Thailand: Programed instruction | 150 | | |
| The Philippines: Social communications center (I.E. & C.) | | | 564 |
| The Philippines: National Media Production Center | | | 109 |
| Vietnam: | | | |
| Instructional radio program | 206 | 21 | 25 |
| Grand total | 20,989 | 4,743 | 13,681 |

[1] Cumulative funding, fiscal years 1962–70.

Section 220. Programs for Peaceful Communication.

(a) The President is authorized to use funds made available under Section 212 to carry out programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less developed countries.

(b) In carrying out programs in the fields of education, health, agriculture, and community development, the agency primarily responsible for Part I shall, to the extent possible, assist the developing countries with research, training, planning assistance, and project support in the use of television and related technologies, including satellite transmissions. The agency shall make maximum use of existing satellite capabilities, including the facilities of the International Telecommunications Satellite Consortium.

(c) In implementing activities under this section the agency primarily responsible for Part I shall coordinate closely with Federal, State, and local agencies and with nongovernmental educational, health, and agricultural institutions and associations within the United States.

## HOUSE RESOLUTION 319

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 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 total 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.

## "LEST WE FORGET"

### HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 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 conisistently 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:

Sgt. Norman Payne, U.S. Army, XXXX, Cleveland, Ohio. Graduate of John Adams High School. Officially listed as missing December 19, 1968. As of today Sergeant Payne has been missing in action in Southeast Asia for 916 days.

## AND GOD SAID, REPLENISH THE EARTH

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. TEAGUE of Texas. Mr. Speaker, a recent article written by Richard J. Pfeiffer and published in a brochure by North American Rockwell outlines the many important contributions of our national space program to our daily lives. From medicine to astronomy our national space effort is helping to improve our standard of living and solve our problems here on earth. I commend Mr. Pfeiffer's article to your reading:

AND GOD SAID, REPLENISH THE EARTH *

(By Richard J. Pfeiffer)

In the last 30 years, the world has consumed more of its natural resources than since man came on the face of the earth. Before long, some resources will be exhausted.

Two-thirds of the people on earth are poor, hungry, undernourished. Yet by the year 2000, global population is expected to double. That's 7 billion people! How will they be fed, let alone clothed or housed?

Recently, a noted biologist said: "Calling the population explosion a problem of undeveloped nations is like saying to a fellow passenger, 'Your end of the boat in sinking'."

A satellite passes over a given spot on the earth twice a day. And with each pass, it reports another drop in the quality of the air we breathe.

The good earth accepts our DDT, sewage, sludge, trash, smog, noise, phosphate and other contaminants, and quietly, relentlessly deteriorates.

Into the breach have stepped hundreds of Conservation groups, each with a cause. Save the Dunes, Clean up Lake Erie, Zero Population Growth, Ban the Sonic Boom, Friends of Nature, The Mountaineers. They've accomplished much, fanned public awareness, even taken polluters to court.

The government at all levels has put new legislation in the books to deal with the environment. And responding to public outrage

* Genesis I: 28.

and concern, many companies have invested millions in environment control equipment for their factories and accelerated research for solutions they don't have now.

Unfortunately, none of these efforts—or all of them, for that matter—will completely solve the problem. For the problem is the world itself. Everything relates, everything is dependent. It transcends local and national boundaries.

The Mississippi will never be clear, even if all industrial pollution stops along its banks, for the rains wash fertilizer from farmlands into its many tributaries, growing algae and slowing the movement of the water.

"The Houston Ship Channel is too thick to drink and too thin to plow," says an article in a current news magazine.

The Cuyahoga River in Ohio caught fire because it was clogged by volatile wastes. The Rhine River in Germany is even more polluted.

From a spokesman for consumers: "If an individual cannot relieve himself in the Detroit River, I don't see any reason why corporations should be allowed to."

American women carry in their breast milk 3 to 10 times the amount of DDT that the Federal Government permits in dairy milk. And in tiny islands off Bermuda the same pesticide kills fish and wildfowl although it has never been used in the area. The trade winds brought it from North Africa.

And a famed underwater explorer recently said: "The oceans are in danger of dying. The pollution is general. People do not realize that all pollution ends up in the seas. The earth is less polluted. It is washed by the rain which carries everything into the oceans, where life has diminished drastically in the last 20 years."

The world is small indeed. Which is why an international venture of some kind is our only hope for survival. And surprisingly, such a venture exists, one that is capable of helping us solve and manage the problem.

It's more international than you may think. So far, 74 countries have joined us in everything from ground-based studies to actual flight of their satellites. Among the most active have been Great Britain, Germany, Canada, Italy, France, India, Norway, Sweden, Pakistan, Argentina, Brazil.

From space we can extend the liveability of earth. From space orbits, the new lands of our time, man can achieve the overview and the information to cope with threats below.

What are some of the practical applications of space? How will man benefit? What are the returns?

Consider our water resources. From space we can identify a water pattern, predict the development of a watershed, foresee a flood, protect crops and property.

Accurate surveys of timberland are difficult, if not impossible, to achieve, because most forests are in remote areas. From space it's easy. We can instantaneously identify kinds of timber, spot disease, estimate yield and provide early warning of forest fires.

Agricultural data around the world is unreliable, sometimes nonexistent. Yet as hunger and malnutrition spread, such information becomes more and more vital. Space crews, working with remote sensing equipment, can identify crops and acreage, discern the vigor of the crop, any diseases or pests, and estimate yield per acre. They can even spot wheat rust before the farmer can. With all this, regional and global inventories are a matter of simple math.

A national magazine says: "In the U.S. we will be left by 1995 with just 1.4 acres per person upon which to raise a year's supply of food."

Geologists looking at random photographs of the earth from space found a clue to new oil fields in the Near East. From our vantage point in space, we can make a scientific study of the entire face of the globe, searching for petroleum and mineral deposits to replace our dwindling supplies.

With today's weather satellite we can only forecast imprecisely. With a satellite system we can tell a farmer when to plant, plow or harvest, even advise you what the weather will be like on your vacation. Can you imagine the savings in time alone by simply knowing whether there will be sun or rain?

"Now we have a chance to go up and look at ourselves, see how we're crudding up our own place and do something about it".—Frank Dowdall, space engineer.

You've read about Air Traffic Control and how the problem gets worse every day. With navigation reference from satellites, controllers will be able to pinpoint a plane within 50 feet and 1½ mph airspeed.

How about smog? We can measure it accurately from space and plot weather patterns that build up to create it, thereby permitting us to do something about it in advance.

An aerospace company has made an offer to pharmaceutical manufacturers to grow drug cultures in space. In zero gravity these cultures will grow far better and quicker.

In zero gravity, also, we can manufacture a foam-type steel by introducing gases into molten metal. The new material would be as strong and rigid as solid steel, and as light in weight as balsa wood.

Communications satellites that carry TV pictures across the ocean are old hat to us now. But for the moment, let's consider telephone and data transmission networks, already hard pressed to provide adequate service. How will they handle the demands of a burgeoning population? Certainly not with more cables. The cost of laying or stringing them would be prohibitive. Satellites? Naturally. You just dial up and get your information or your neighbor. And if a doctor at Mayo Clinic wants to diagnose a patient in India, that can be arranged too, with instantaneous transmission of voice and picture.

Military surveillance? We can see them. They can see us. Nothing happens. It's that simple.

The oncoming utilization of space will give man the system and the means to overcome the ills that plague his planet. According to a former Secretary of the Interior: "The perspective of space travel has emphasized that earth is where our roots will always remain."

But how will it be done? How much will it cost? And most important, can we afford it?

Or even a more pointed question, why did we spend all that money going to the moon when there was a more important job to do back here on earth?

The answer: Apollo was a technology program. We had to, in effect, write the book on space. During this period we developed our brute force, our engine and thruster technology, our fundamentals so to speak. Now we can profit from our experience. Now the investment pays off.

It starts with a new space transportation system. Not an expendable or throwaway system like Apollo and its Saturn booster, but a system that can be used over and over again.

It's called a Space Shuttle and it's on the drawing boards for NASA right now. It could be operational within eight years. The Shuttle is an engineering and design problem. Most of the technology has been accomplished by Apollo and its predecessors.

If you could imagine a 707 jet strapped to the top of a 747, you would have a fairly good idea of the Shuttle, including its size. The pair are launched vertically with the larger vehicle, the booster, lifting to 215,000 feet where staging occurs. After separation the smaller vehicle, the orbiter, fires its engines and continues on into orbit, while the booster makes a leisurely return to earth, landing like a normal airplane.

After completing its mission in space, the orbiter also returns to earth and lands like an airplane.

The Shuttle will be capable of 100 flights and two weeks' turnaround for each launch. It will deliver crew and cargo to space; place, retrieve, maintain and service satellites; deploy and fuel propulsion stages. In short, it's a truck.

What will it cost? About $8 billion, spread over several years. One-third of what we have spent on all manned space programs to date.

That's a lot of money, to be sure, but look at it another way. A Senator recently said: "On a per capita basis, we spend $134 a year on restaurants and bars; $104 on telephone service; on laundry and cleaning, $37; on automobile repairs, $25; on television sets; $20; on tobacco, $18; on social action programs, $386; on defense, $386. On space we spend $17 per person."

Actually, the space program today accounts for only 1½% of the Federal budget. During the Seventies, it will begin to pay its own way and our investment will be returned a hundredfold.

The Shuttle, for instance, will cut launch costs by 90%. And since it'll be used again and again, the savings in space vehicles will be tremendous. But most of all, space will be easily—and economically—accessible, making possible more benefits than we can imagine.

In the past decade the Free World has put about 700 payloads into space, and many of these satellites are not functioning now, dead in the sky. Our first Orbiting Astronomical Obervatory, for one, suffered a power failure as soon as it arrived in space. With a Shuttle, maintenance men can visit these satellites and any others we put up there, and get them working again. In some cases, all they need is a new battery or other minor service.

Also, we can save about one-third the cost of building a satellite if we know going in that we can repair it in space.

How about the returns in dollars? Here's one example. With an accurate five-day weather forecast from a cluster of satellites parked in orbit around the world, we'll save farmers $2½ billion a year alone. That's $2½ billion! Three-fourths of the entire annual space budget!

Of course, it will take more than a transportation system to exist in space. There must be a house, a workshop, a Space Station of some kind where men can live and work in comfort.

Such a facility is being designed for NASA. It will be about the size of a school bus so that it can fit in the cargo bay of the Shuttle. Once up there, it'll simply be pushed out the door. No launch requirements at all.

The Space Station could be operational following the Shuttle development. Mainly a scientific facility, it'll be programmed for a series of services to earth.

"In our space program we're witnessing the start of a new cooperative effort among nations."—a leading industrialist.

Scientists and industries in countries throughout the Free World are anxious to participate in Space Services with us because they, too, can see how it will reverse the processes of our deteriorating environment.

But time is running out. For the generations to come, we must begin to manage and protect the environment, already a national priority. And of course, it's important that we continue to expand our nation's technological base.

The space program shows the way.

There appears to be an almost universal lack of understanding of the numerous benefits that have accrued and will continue to

accrue to mankind as a result of the United States' space program.

In a recent analysis of the space program, the Committee on Science and Astronautics, U.S. House of Representatives, stated in its report:

"Space research already has produced an extremely broad range of concrete benefits, not only to the American citizenry but the people of many nations. The flow of 'hard benefits' has grown from a trickle to a stream, and it is widening to a river as expanding technology uncovers more and more ways of improving man's mode of existence."

The article you have just read is a factual compilation of those benefits as reported in many of this country's leading publications, including: The Wall Street Journal, Aviation Week, The Christian Science Monitor, Newsweek, Look, Business Week, Time, Fortune, and many others.

North American Rockwell.

## COMMITTEE STUDIES CARGO OPERATIONS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. EILBERG. Mr. Speaker, because I believe that Congress should be more aware of what its creatures are doing, it is a pleasure for me to submit for the RECORD a statement by James R. Kelly, director, World Trade Division, Delaware River Port Authority, in relation to the study of cargo operations by the House Committee on Merchant Marine and Fisheries. The Delaware River Port Authority is the result of a compact between the Commonwealth of Pennsylvania and the State of New Jersey, created with the consent of Congress.

In my opinion, Mr. Kelly's statement before the committee clearly outlines areas of interest to the communities affected in the area. The statement follows:

STATEMENT BY JAMES R. KELLY

My name is James R. Kelly, Director, World Trade Division, Delaware River Port Authority, Philadelphia, Pennsylvania. In March 1971, Representative Garmatz announced that the Committee on Merchant Marine and Fisheries would conduct an "in-depth" study of cargo operations and listed eleven points to be covered. My statement will cover only some of those items.

The Delaware River Port Authority is a self-sustaining, public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey, created by compact between the States with the consent of Congress. The port district over which the Authority has jurisdiction is defined in the compact as all of the territory within the Counties of Delaware and Philadelphia, in Pennsylvania and the Counties of Burlington, Atlantic, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem in New Jersey. This district includes within its confines the Ports of Philadelphia, Camden, Gloucester, Chester, Marcus Hook and Paulsboro, which ports are referred to generally as the "Ports of Philadelphia"

The purposes of the Authority include the promotion of the Delaware River as a highway of commerce; and the institution, or intervention in any litigation involving rates, preferences, rebates or other matters vital to the interest of the port district; to cooperate with all other bodies interested or concerned with, or affected by the promotion, development or use of the Delaware River and the Port District.

The Authority maintains sales offices in Chicago, New York, Pittsburgh and Washington, D.C. in the United States. Overseas, it has offices in London, England; Antwerp, Belgium; Milan, Italy; Bogota, Colombia; Tokyo, Japan and Hong Kong. All of these offices maintain close contact with the business community in their area. In the overseas areas, our members are familiar with local business practices and habits.

The Authority spends over $1 million annually promoting the Ports of Philadelphia.

The economy of the area is dependent upon a viable port. There are over 100,000 jobs allied with port operation, including 5000 longshoremen with an annual payroll of $25 million. Custom receipts amount to approximately $130 million per year. The City of Philadelphia is completing a $100 million port improvement program to meet the demands of modern cargo handling methods.

ARE CARGO SOLICITATION EFFORTS ON THE PART OF AMERICAN OPERATORS ADEQUATE?

Solicitation of cargo is a joint endeavor between all parties interested in the flow of goods in foreign commerce. This includes steamship personnel, banks, inland carriers, and port representatives. There is a constant exchange of information between all these parties because of the many different factors which influence the movement. Many of our larger industrial complexes draw upon plants located at several different points, usually great distances apart. Special arrangements are needed to assure that all of the cargo will move on the same ship.

Many of the steamship lines call at several North Atlantic ports. The solicitors representing the vessel operators do not prefer one port over another just so long as the cargo moves via their line. Therefore, it is necessary for the port authorities and the representatives of the local port related businesses to have salesmen in the field endeavoring to influence the flow of cargo. In the United States, the movement of commodities is subject to Federal regulation. All rates for the transportation of cargo are filed either with the Interstate Commerce Commission or the Federal Maritime Commission. There are very few opportunities for one shipper or consignee to receive more favorable rate consideration than another for the same service.

It would appear that the cargo solicitation efforts of the American operator are adequate in the United States because of the cooperation with the other port related industries.

INVESTIGATION OF THE OFF-REPEATED CONTENTION THAT FOREIGN SHIPPING COMPANIES ARE KICKING BACK AND REBATING PART OF THE FREIGHT CHARGES TO THE SHIPPER

As was stated in the discussion of the previous subject, transportation in the United States is regulated by Federal authorities which require that all rates, charges and regulations be filed so that every shipper is treated alike. However, this practice is not followed in other countries and the solicitation of cargo reflects the local business practice. Many of the foreign flag operators are controlled by the local governments who use the financial resources of the state to maintain the line. This enables the solicitor to arrange special provisions depending upon the quantity of cargo involved.

In Continental Europe, for example, the freight forwarder is able to take complete control of a shipment from origin to destination. The shipper is quoted a single figure for the movement. All of the individual charges for the various modes of transportation and terminal services are negotiated by the freight forwarder. The rates usually vary, depending upon the quantity that the forwarder offers the carrier.

In Japan, where the government controls most of industry as well as the shipping companies, it is possible to arrange various different contracts.

This is one of the reasons why the Delaware River Port Authority has established offices in cities throughout the world so that we can be familiar with local practices and customs.

IS THE COMPETITIVE BID PROCEDURE NOW FOLLOWED BY MSC SOUND AND IN THE PUBLIC INTEREST?

This matter is now being investigated by the Federal Maritime Commission in Docket 71–35. The Delaware River Port Authority is a party to the case so we will not enlarge too much on this subject.

However, under the present arrangement, even though a steamship line may be the successful bidder when the cargo is actually offered, the operator can refuse it because he does not have a vessel in position. The government is forced to then contact the next higher bidder until he finds one who will accept the cargo. This means that in some cases cargo may be at a port for a long time until a vessel arrives.

On the other hand, because of certain regulations provided under the rules of the Interstate Commerce Commission (Section 22), it is possible to control the port of exit. This is especially true when you have two or three ports so closely situated as New York, Philadelphia and Baltimore. The present limited access highway system enables motor carrier to go from Philadelphia to either Baltimore or New York in roughly three hours because the mileage is less than 100 miles.

Another factor that influences the movement of military cargo is the location of government owned and operated marine terminals. Even though the bid by a vessel operator may be equal from two ports, if one port has a government owned and operated terminal facility, it will probably be selected over a public or private terminal facility.

THE FUNCTIONS AND ACTIVITIES OF THE FEDERAL MARITIME COMMISSION AS THEY RELATE TO CARGO OPERATIONS FOR AMERICAN FLAG VESSELS

With the development of the movement of cargo in containers, new methods of controlling the shipments have come into existence. Containers loaded at an inland point move over the land to a port, onto a vessel for transportation overseas and turned over to another carrier for delivery at an inland destination, without anyone touching the lading. There has been an effort in the United States to provide a service of transportation similar to the type provided by the freight forwarders in Europe, i.e., one charge from origin to destination. However, with the present operation of both the Federal Maritime Commission and the Interstate Commerce Commission, it is not possible to achieve this.

The I.C.C. regulates the transportation within the United States and the F.M.C., transportation outside the U.S. or foreign commerce. Both organizations require detailed quotations for the section of the transportation under its jurisdiction. As long as the laws governing both the I.C.C. and F.M.C. remain as they are, there is little hope that there will be any simplification or modernization of the transportation picture as it applies to container movement. It appears that Congress will have to act in some fashion to remove the stumbling block. In the 91st session of Congress, some steps were taken by the introduction of the Trade Simplification Act. However, it never reached a successful conclusion. This matter should not be allowed to grow stale, if foreign trade by American concerns is to develop and grow. Some Congressional action is needed to provide overall jurisdiction for shipments that are now subject to the separate rules and regulations of both the I.C.C. and F.M.C.

As stated at the beginning of this statement, no attempt has been made to com-

ment on all of the subjects listed for consideration in your committee's study of cargo operations. I have limited my remarks to those subjects which are closely related to the efforts of the World Trade Division of the Delaware River Port Authority.

## GOATS AND DEVILS

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. BRAY. Mr. Speaker, amidst all the controversy surrounding the Vietnam papers, the following editorial from the Chicago Tribune of June 22, 1971, contributes much to straighten out the matter and give it some much-needed perspective.

The editorial follows:

GOATS AND DEVILS

Mike Mansfield, Senate majority leader, who has proposed a Senate investigation of the Pentagon papers bearing on the record of American involvement in the Indochina War, said very sensibly yesterday that he seeks "neither goat nor devil" in such an inquiry. He said that party politics had nothing to do with "the descent into the morass" and that the people would not be impressed by a search for scapegoats.

This needed badly to be said, for the publication of the bootlegged documents by the New York Times and Washington Post has led to an outburst of harsh and strident accusation. Some of those joining the outcry blandly ignore their own inconsistency, for from the hawk they have transformed themselves to dove with bland disregard of their records.

One such is Sen. Stuart Symington of Missouri, who appeared on television Sunday to praise the Times and imply that the leadership of his own Democratic Party had hoodwinked the public. This is the same Sen. Symington who, in January 1966, criticized limited bombing of enemy targets as ineffective and termed it "incredible" that the United States had failed to bomb the principal Communist port of Haiphong. Sen. Symington echoed these sentiments on many occasions. On Oct. 3, 1967, he proposed a test of Hanoi's intentions toward negotiation, stating that if the enemy refused to deal the United States should "feel free to pursue this war in any manner of its own choosing" and intensify the military effort.

Then there is Larry O'Brien, who served President Lyndon Johnson as postmaster general and Hubert Humphrey as chairman of the Democratic National Committee in the 1968 election. He holds the committee post again now. O'Brien is calling for "full disclosure" of the war documents and has accused his Republican counterpart, Sen. Robert Dole, of trying to make political capital at the expense of the Kennedy and Johnson administrations as an outgrowth of the Viet Nam disclosures. O'Brien until now certainly had no criticism of the course into war pursued by his bosses.

It is our judgment that the Presidents who reluctantly committed the country to war in Southeast Asia did so out of defensible motives. They thought the United States would suffer in its interests and in its standing in the world if all of Viet Nam went Communist. They considered Viet Nam a vital factor in alliance politics and they thought that they could not allow Communist "wars of national liberation" to succeed, for then these grass fire wars would break out in many other places

To this degree, then, neither President Johnson nor any other President who contributed to the continuity of United States policy in Southeast Asia was acting out of evil impulses or conspiring to drag the country into an unnecessary war. They were doing what they conceived to be in our own best interests and if, in their hearts, they knew that military victory was in all likelihood an impossibility, still they believed that if they persevered they would cause the Communists to relent.

This is not to say that mistakes were not made or that the cost in lives, wealth and weariness with the war on the domestic front was given all the consideration it should have received. Certainly the "news managing" proclivities of a vast bureaucracy and the often unwarranted use of "secret" stamps prevented the public from knowing much that it should have known. It is easy to make harsh judgments in the light of hindsight and a record which is still incomplete. But Presidents should not be condemned as totally insensitive or motivated by selfish objectives or even by plainly partisan interest. Mistakes there were in plenty, but these were not evil men.

## FARM CREDIT ACT OF 1971 VITAL TO THE FUTURE OF EVERY RURAL COUNTY

### HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. JONES of Tennessee. Mr. Speaker, in that on Monday, July 12, the House Agriculture Committee will begin hearings on the Farm Credit Act of 1971, I believe many Members will want to take a look at this measure. For those of us who represent districts with extensive farming activities, this bill is vital to the future of every rural county. For others who represent largely suburban and urban districts, this bill is important because it will have a long-run effect on prices in the supermarket, the flow of people from rural to urban areas, and the economic health of the Nation's system of providing food and fiber.

For all of us the Farm Credit Act represents an opportunity to improve and modernize the farm credit system which was created here in the Congress 54 years ago. In every rural sector of our land, the system has an outstanding record of success. It has helped channel loan funds into thousands of rural counties in every State, and has stood steadfastly behind the farmer through some of the worst years of modern agriculture.

Despite its successes, however, the system now needs an overhaul. Burdened by unnecessary redtape and a hodgepodge of legislative restrictions which have long outlived their usefulness, the system faces some extremely tough years ahead. Experts predict that farmers' needs for credit will double between now and 1980, and if the farm credit system is to meet its share of this dramatic increase, it must be prepared. We have an important responsibility, because this is something the executive branch cannot do. Neither can State and local governments do this; only the Congress can prepare the system to meet the farm credit challenge of the future.

The bill now before the House Agriculture Committee is the product of several years study by the farmer-owners of the farm credit system. As a result, it is closer to a grassroots bill than most measures we are asked to consider. And in that its passage will affect the futures of so many farmers and rural residents, we are encouraged to note that it has the general support of almost all farm organizations, cooperatives, and many others who represent rural interests.

We hope that those who represent the highly urban areas of America will support this bill, for in the process of benefiting the farmer it will also benefit urban citizens. Why? First, the bill will not require any Federal tax dollars. It will not require any Federal loan guarantees. It will involve no farm subsidies of any kind. Instead it will permit the farm credit system to continue raising its money on the private money markets. Thus, this bill will in no way divert Federal tax money away from urban projects.

Second, 2 years ago the owners of the farm credit system paid back all Federal "seed money" and thus will require no future Government appropriations. System borrowers are mighty proud of their repayment record and deserve our praise for this fine achievement.

Third, by funneling money into rural areas the system is combating migration into the cities.

Fourth, through this bill, the system would help close the rural housing gap and thus relieve some of the pressures for urban and suburban housing by making it more attractive for citizens to live in open country areas. Two-thirds of all substandard housing in America is located in rural areas, and one reason is the lack of a source of credit. The system is willing to meet this need by providing loans for construction of nonfarm rural housing in open country, and in doing so is making an important contribution to rural development.

Fifth, the system is largely the servant of the family farmer. And as we all know, it has been the family farmer, who, through his efficiency and his willingness to adopt the most modern means of production, represents our best bet against soaring food prices. While many ways of farming have been tried, again and again the family farm has turned out to be the most efficient unit of food production. Therefore, with an eye to the future cost of food, the farm credit system should be encouraged in its service to the family-type farmer.

Mr. Speaker, during the Senate hearing, one of my constituents presented some very fine testimony. He is Robert M. Hendrix, a farmer from Dyersburg and a long-time leader in the local Production Credit Association. I include his testimony at this point in the RECORD:

STATEMENT OF ROBERT M. HENDRIX

I am Robert M. Hendrix of Dyersburg, Tennessee. My grandfather pioneered and settled in Western Tennessee in 1870, cleared a large farm, reared ten children and many of these children are still engaged in agriculture. At the present time I own 975 acres of farmland. I farm 1200 acres of row crop and grow cotton, corn, milo, soybeans, lima beans,

greens, spinach, and hay. I have 300 head of Angus cattle and I am a member of the Land Bank Association having been active along with the Land Bank.

I have been a member of the Production Credit Association for 15 years and I served on the board of directors as the director for ten years.

I have served on the executive committee for a period of ten years and I am presently vice president of the association.

Having looked at many of the loans that have come to the local association over the years and having a 17-year-old son who hopes to take up the name of Hendrix in the farming enterprise, I well realize the many changes and obstacles that a young man getting into farming face in the future.

At the present time I am chairman of the National Advisory Committee of the Production Credit Associations and we represent the grass roots thinking of 523,000 borrower-owners of 442 PCAs which last year borrowed $8.3 billion of production credit for farmers and ranchers.

We realize that PCAs' credit cooperatives have pioneered in many respects in providing credit services in response to their members' needs; for instance, line credit financing, budgeting, financial planning, electronic farm record keeping, log sharing and participation loans. Broader authority and flexibility requested in this bill would permit PCAs to continue to adapt their credit services to agricultural producers in a rapidly changing environment.

I might say, Mr. Chairman, I only know about the Fourth Farm Credit District as far as reputation on the board and type loans being made. Our present association has six directors. Of these six directors one is a general purpose type farmer, one man is a cattle and soybeans operator. We have two dairymen. We have another farmer who grows wheat and soybeans. We feel like we have a general representation on our local board.

Also, in the Fourth District are the States of Ohio, Kentucky, Indiana, and Tennessee. As you know, in the Appalachia area of Kentucky we have many Production Credit Associations and to my knowledge no person in these areas who has a basis for farm credit has ever been denied the privilege of seeking and getting credit.

Some examples of how Production Credit Associations could provide better credit service under this new Act would be participating more fully in rural areas—which has already been mentioned by some of the others who have testified: financing farm-related businesses such as custom operators, leasing of equipment. As you know, so many large pieces of expensive equipment are required today in some farm operations that it is not feasible for a farmer to purchase this type of equipment. We feel this is a service which would be greatly beneficial to all. And then there are the financially-related services; such as, credit life or estate planning and income tax and so many which would fit right in line with the other services.

Mr. Chairman, farmer-members of the Production Credit Associations are proud of the services which their associations have performed in the past, and we are mindful of the challenges and changes that lie ahead and through enactment of this legislation we believe that our PCA will be in a far better position to adapt to meet our needs.

## PRESERVING CENTRAL PARK

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. RYAN. Mr. Speaker, New York City's Central Park is unique in American history. It was the first park to be created in an effort to serve the community around it. Designed by one of our Nation's great landscape architects—Frederick Law Olmsted—Central Park is of tremendous esthetic, recreational, and historic value not only to the residents of the city of New York, but to all Americans.

This value was deservingly recognized in 1965 when then-Secretary of the Interior Stewart Udall designated this great urban park as a national historic landmark.

However, Central Park is now about to be scarred by open-cut subway construction. This should not be allowed to happen. It is essential that the heritage and environmental value of our national landmarks not be impaired and that our citizens not be deprived of their use.

Therefore, I have introduced legislation (H.R. 8631) in the Congress to prohibit the ravages of open-cut construction on the property of any national historic site, building, structure, or area. Under this legislation, the Secretary of the Interior would have the authority to allow open-cut construction only if he finds such construction "to be essential to the preservation" of the historic site or "necessary to protect the health and welfare of the community" in which the site is located.

H.R. 8631 complements legislation introduced in the New York State Legislature by Assemblymen Antonio Olivieri and Peter Berle, which specifically bans disruption of the surface of Central Park in constructing extensions of the Sixth and Seventh Avenue subway lines.

Much of the credit for alerting the public to the threat to Central Park belongs to George Spitz, a Manhattan civic leader, who has been in the forefront of the effort to preserve Central Park.

For far too long, we have tolerated the marring and destruction of our environment, of our recreation areas, of our historic landmarks. It is essential that we insure that all these areas are preserved. I believe my legislation is a step in that direction.

At this point, I include in the RECORD the March 29, 1971, press release issued by Assemblyman Antonio Olivieri outlining efforts to spare Central Park from the ravages of subway construction.

I also include a statement issued on March 29, 1971, by the Parks Council with respect to the plans for subway construction in Central Park and the press release issued by Assemblyman Olivieri on May 21, 1971, announcing the introduction of my legislation in Congress.

Also following is a statement by George Spitz presented on March 17, 1971, to Community Planning Board 8 on proposed Central Park subway construction, and a telegram from Mr. Spitz to Mayor Lindsay in support of my legislation H.R. 8631.

The documents follow:

STATEMENT TO COMMUNITY PLANNING BOARD 8 ON PROPOSED CENTRAL PARK SUBWAY AS IT RELATES TO ENVIRONMENT AND NEW SECOND AVENUE SUBWAY LINE

(By George Spitz)

On June 7, 1965 Central Park was designated a National Historic Landmark by the U.S. Secretary of Interior.

Because of this Federal involvement and increased concern for Ecology, we may expect that environmental and humanitarian organizations throughout the nation will become appalled when they learn that a vital section of this greatest of parks is being torn up for what many now consider dubious transportation purpose.

However, since Mayor Lindsay recently announced approval of a revised plan for open-cut construction in Central Park, many local citizens may feel that further resistance at the local level is futile.

But that is not the case. Any time prior to Mayor Lindsay signing the actual construction contract, the decision for construction in Central Park can be revised, and no construction contract can be signed before competitive bidding and determination who is the low bidder.

Community Planning Board 8 can take the first local step towards stopping the construction of a subway in Central Park by tonight endorsing legislation sponsored by Assemblymen Olivieri and Berle prohibiting open-cut construction in any New York City Park.

If the Berle/Olivieri Bill No. 3325 is made into law or if Mayor Lindsay is persuaded that public opposition to the Central Park Subway is still very much alive and may become indignant as the Park is being torn apart during 1972, the Transit Authority will either have to find alternate routes or tunnel completely under the surface.

Since 1951, there have been proposed alternate routes. For example, the New York City Board of Transportation, the predecessor to the Transit Authority, on June 20, 1951, according to File No. 75, Drawing Number 187, proposed routing trains from Second Avenue to Sixth Avenue along 57th Street.

Among the current alternative proposals, the Counsel of Better Transit Organization has a plan well worth consideration—involving shifting the Second Avenue Subway to First Avenue north of 63rd Street which provides a sufficient area for flexing into 59th Street and go west and under the present 59th Street BMT Crosstown.

As many of you know, I proposed last summer transferring all appropriations for the Central Park Subway into the Second Avenue Subway Account so that the Second Avenue Line would have sufficient funds for more than six stations between 39th and 106th Street and a four-track rather than a two-track line.

In addition, I would like to remind the Committee Planning Board 8 that there are no funds left in the State Bond Issue for building the Second Avenue Subway south of 34th Street. The City has not appropriated any monies for this purpose and Federal Assistance may well be jeopardized if the Transit Authority excavate the surface of a National Historic Landmark.

The Transit Authority has listened to, even if it has not as yet answered, the protests that many of us made last summer concerning sufficient stations and a two-track only—Second Avenue Subway Line.

Right now, there is a debate going on in the Authority over whether or not plans for the Second Avenue Subway from 34th Street to 106th Street should be changed once more for sufficiency as well as transportation convenience to a four-track or at least a three-track line.

However, the main stumbling block is, of course, money. A four-track line from 34th Street north will cost an estimated $38-million more than a two-track system, and a three-track route will cost about $20-million more than a two-track Second Avenue Line.

Yet as I have noted, there is no money left from the New York State Transportation Bond Act of 1967 for New York City Mass Transit purposes and excavation of Central Park, an Historic Landmark, could well jeopardize future Federal Assistance from New York City Mass Transit.

Therefore, Committee Planning Board 8, but publicly supporting the Olivieri/Berle legislation banning open-cut construction, may provide encouragement for those sources within the Transit Authority who feel that it is more important to have sufficient funds to build a three or four-track Second Avenue Subway. At the same time, New York City's prospect of getting Federal Mass Transit Assistance will be enhanced.

As for tunnelling under the Park, the firm, Singstand, Kehart, November and Hurka claim that this is technically impossible. However, Richard Edes Harrison, noted Cartographer, the man who initiated this organized successful campaign to defeat the proposed excavation in Central Park, before the Board of Estimate, furnished a plan to Parks Commissioner Hecksher that would permit tunnelling a subway line without damage to Central Park's surface.

Mr. Harrison suggested rebuttal to his plan and is willing to submit it to the National Research Council or Science for Public Information for an impartial comment.

I hope Committee Planning Board 8 will endorse the Berle/Olivieri Bill No. 3325 so that proposed alternate route to the subway in the Park will have to be considered by the Transit Authority. You will be the first body since the Mayor's public acceptance of the revised open-cut construction plan to oppose the Central Park subway. I am confident you will be joined by many leading public figures, humanitarians and ecologists.

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CITY'S TRANSIT NEEDS COULD BE BETTER MET BY SUBWAY ROUTE THAT SPARES PARK

(By Assemblyman Antonio Olivieri)

Manhattan and Queens subway users could be better served and Central Park spared the ravages of open-cut construction if the City would permit consideration of alternate subway routes, as well as of alternate construction methods, it was charged today by Manhattan Assemblyman Antonio Olivieri.

"The City has just spent nearly $100,000 on the Singstadt report—a study of construction methods that could and should have been done by staff engineers prior to announcement of a plan. Instead it was prepared by expensive consultants after an outraged community protested the damage the TA's plan would cause to Central Park," Olivieri said.

"Yet, for some reason the City has consistently refused to discuss alternate routes. The Singstadt report was successful in finding ways to reduce Park damage by only about 54%. Is this the best we can do? We cannot be certain until the alternatives have been examined."

Olivieri's remarks were made at a news conference attended by representatives of several community groups concerned with Central Park. Although some feel their efforts should now be concentrated on reducing damage and enforcing maximum restoration, others continue to vigorously oppose all Park encroachments.

Olivieri specifically recommends consideration of a transit plan developed by Stephen Dobrow, an engineer, who is president of the Committee for Better Transit, Inc. At the same cost as the MTA's proposal this plan would:

Provide the same flow of trains serving Queens;

Avoid all possibility of damage to Central Park;

Allow for direct transfer to the East Side IRT and the proposed 2nd Avenue lines, which is not possible under the MTA proposal.

The plan is also sponsored by George Spitz, East Side civic leader, who has fought for consideration of alternate routes since last spring, and it has won enthusiastic support from Congressman Ben Rosenthal (D-L) of Queens, who called it "an imaginative and desirable approach to a difficult problem."

Under this plan only one West Side line—the BMT line (7th Avenue)—would be connected to the new 63d Street subway tunnel, and it would have a capacity for 30 trains an hour. The MTA plan calls for connection of two lines—the BMT and the IND (6th Avenue)—with a combined capacity of 30 trains an hour.

The route utilizes deep-level construction to run east from 7th Avenue under 59th Street to Second Avenue, then diagonally northeast to 63d Street and First Avenue, and from there into the tunnel. The higher construction costs required for the deep tunneling would be offset by there being only one 2-track line from east to west instead of two.

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STATEMENT OF THE PARKS COUNCIL WITH RESPECT TO THE FINAL PLANS FOR THE SUBWAY TUNNEL IN CENTRAL PARK

NEW YORK, N.Y., March 29, 1971.—If we learn nothing else from the protracted arguments over this subway tunnel, which have now consumed the better part of a year, we should learn to abandon the practice of planning in secret for unpopular construction projects. The price of secrecy and uncoordinated planning for this project has already risen so high as to be scandalous. The very fact that this project will disrupt the park to the extent that it will is in large part due to the fact that a subway station completed a few years ago on 6th Avenue at 58th Street was simply built too close to the surface of the street. That was the first failure to look for future consequences. In subsequent planning stages the park was similarly ignored, with the result that the MTA is now committed to spend an additional one million dollars for restoration of park land, in some instances for park land that need not have been damaged in the first place, and in addition must face the escalation of construction costs during the past year.

Who knows what other projects similar in effect to this one are now being prepared, shrouded in secrecy, in one or more offices downtown? The public doesn't know, and it should know. It is ironic that the Federal government should have an "environmental" warning system for projects of this sort, but that New York City should not.

At the time that this project is being launched it is only fitting that some of the City agencies carving up public parkland make some major gestures. Here's one to start with. The Board of Water Supply has made the generous offer to turn over the Central Park Reservoir to the Parks Department some ten years from now, and if experience is any guide, in an "as is" condition. In fact, there is only one reason why the reservoir should not be handed over today—and that is that it needs to be drained, cleaned and repaired. By July 4th of this year, Central Park will indeed be a massive construction site. Surely it is time for some significant gestures in the other direction.

RYAN BILL WOULD END THREAT OF PROPOSED INCURSIONS IN CENTRAL PARK

Open-cut construction in Central Park—for subways, the fire communication center, etc.—may be banned by Washington even if Albany and City Hall fail to act to prevent it.

This would be the effect of a federal bill introduced today by Congressman William Ryan (D-L, Manhattan), which prohibits open-cut construction in any national historic site. Central Park was designated a National Historic Landmark on June 7, 1965.

The Ryan measure carries one step further the principle of a bill introduced in the State legislature last January by Assemblymen Antonio Olivieri and Peter A. A. Berle (both D-L, Manhattan), which specifically bans disruption of the surface of Central Park in constructing extensions of the 6th and 7th Avenue subway lines as planned by the Transportation Administration.

"Central Park was the first park in history to be created for the community. All earlier parks were the exclusive property of ruling families. Central Park holds esthetic value as well. It was designed by one of the country's great landscape architects, Frederick Law Olmsted," Congressman Ryan stated at a news conference held in Central Park this morning.

"My bill would protect Central Park and other great national landmarks from depredation by political and commercial interests for use by the people to whom they belong. New York City holds Central Park—like other official historic landmarks—in trust for all the people of the United States."

Ryan is a member of the House Committee on the Interior and Insular Affairs and of the Subcommittee on Parks.

Assemblyman Olivieri, whose district includes Central Park, called for a moratorium on the subway construction scheduled for Central Park early in July until alternate routes have been considered that would spare the Park.

"Manhattan and Queens subway users could be served and Central Park spared under any one of at least 4 alternatives to the TA's current plan. I have met with the TA. They are frank to admit these alternatives were not considered. I believe they must be. Only after an outraged community protested the damage the TA's initial plan would cause to Central Park did the City bother to find how to reduce the damage. Now it appears there may be no need for any damage at all. We can only be certain after the alternatives have been investigated."

Also participating in the news conference were George Spitz, East Side civic leader, Richard Edes Harrison, chairman of the Save Central Park Committee, and Clare Beckhardt, associate director of The Park Council.

Construction plans can be stopped at any time prior to the Mayor's signing contracts. Bids for the subway project were opened on May 7th, and the TA has 45 days from that date to consider them. The TA then submits its recommendation to the Mayor for approval.

Initially, the MTA received approval for subway extensions "under" Central Park. Specific plans, first revealed last spring, called for extensive open-cut construction—two 75-foot-wode trenches, each 25 feet deep, one running 775 feet from Central Park South, the other 1,010 feet.

Community protests led the city to commission a study of alternate construction methods, and as a result current plans call for approximately 47% as much damage as originally. There are still 2 substantial trenches, however, each 40 feet wide, one running from 6th Avenue, the other from 7th Avenue. They would remain for a period of 2 years.

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Mayor JOHN V. LINDSAY,
*City Hall,*
*New York, N.Y.:*

Have learned that engineers within the metropolitan transportation authority and the consulting firm, De Leuw Rather and Associates are convinced that the new 2nd Avenue subway will prove hazardous from a safety point of view, and provide mediocre transportation service unless they are allowed to make it a 4-track line at least from 48th to 72nd Street and for 800 feet around 125th Street. Since the cost of the improvements recommended by rank and file engineers is roughly 30 million dollars, I urge you transfer to 2nd Avenue construction fund, approximately 32 million dollars estimated cost for ripping up national historic landmark, Central Park, to build lines

which merely duplicate existing routes from Queens to Manhattan West Side.

If the 30 million dollars is available from existing funds, urge you still cancel plans for excavating national historic landmark, as forbidden by bill, just introduced by Congressman William F. Ryan, and use money to make 2nd Avenue 4-track from 72nd to 125th Street, and south of 48th Street, and the entire route.

GEORGE N. SPITZ.

## A FORTHRIGHT STATEMENT ON ENDING THIS WAR

## HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. MIKVA. Mr. Speaker, my colleague and friend, Congressman BENJAMIN S. ROSENTHAL of New York, was the first witness on the first day of the historic hearings which began this week on the Vietnam war. The Foreign Affairs Committee, of which Mr. ROSENTHAL is a distinguished member, started hearings on a variety of proposals to end American involvement in the war by specified dates. The Subcommittee on Asian and Pacific Affairs, under Chairman CORNELIUS GALLAGHER of New Jersey, is conducting the sessions.

For reasons Mr. ROSENTHAL eloquently explains, the hour is late and the task of peace is urgent. The House of Representatives assumes its responsibilities very late in questioning our role in Vietnam. I hope fervently that a decisive act of legislating an end to this war will be the most urgent business of both the Foreign Affairs Committee and this Congress.

Mr. ROSENTHAL's statement follows:

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL OF NEW YORK BEFORE THE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS

Mr. Chairman, for Members of the House of Representatives, it is a privilege, long delayed, to participate in hearings on the Vietnam War.

American resources have been committed to this war since the early 1950's; American military forces, since the early 1960's. At the peak, in 1969, our country placed over 500,000 American servicemen in South Vietnam. The annual cost to Americans reached $30 billion a year at that time. A steady stream of American dead and wounded returned home. Yet the House of Representatives begins only today, ten and twenty years after the decisive commitments, to hold its first public hearings on the war.

As one Congressman who has spent most of the past ten years in this House, I am ashamed to cite this history. I am ashamed that our sense of priorities placed us in the rear guard of those questioning this war. This accusation is not personal for it is not made against individual men by an individual. Each man in this House has arrived or will arrive at a decision about this war by his own personal calculus. Mine happened to register doubt in 1965 and outright opposition to our role in the war by late 1966. Others came before and many others after. But the mood and spirit of this House has been to allow others to question, to doubt, to criticize and even to wonder while a war raged. This has been our tragedy.

I commend our Chairman today who finally brought us to this hearing. I do not think it too late to begin this task. Despair is the sign of the defeated. Rather it is our task, late as it is, to renew the questioning, to reflect on the mood of our constituents, and to bring the House of Representatives to a rightful view of its responsibilities.

This war is the history of a series of blunders, most of them by Western intervenors who failed to understand its nature.

The French, who intervened in 1945 to attempt a reconstruction of their pre-war influence in Indochina, made the first series of errors. Nine years later after thousands of Frenchmen died and after the French suffered their most ignoble defeat in battle since 1940, they withdrew. The French eventually recovered their prestige and self-respect; they never recovered their losses nor did we for we financed a large part of the French war in its last years.

It was both more and less forgiveable for America to take up the discredited war the French lost. More forgiveable, because we thought our motives purer; less forgiveable, for we failed to understand why the French lost. We proceeded to repeat their errors.

Our errors are unfortunately not only in the past. We have created a word "Vietnamization" and called it a policy. But it is no policy. It is a crystallization of all that preceded it. Every error of previous American policy lies within Vietnamization.

Let us recall what Vietnamization does not mean: It does not mean that we recognize that we, and the French, intervened in a civil war; it does not mean that the war is winding down; it does not mean that we recognize that there is a limit to American power, and that American power, too, should be limited; it does not mean, finally, that we are ready to stop killing Asians for their own good.

Rather, Vietnamization means continued killing, with the United States substituting more Vietnamese deaths for American casualties; the casualty rate for 1969, 1970 and the first three months of 1971 show that casualties have not really dropped at all if we count all "allied" casualties and all enemy casualties. (See attached summary).

A continued commitment to maintaining the South Vietnamese government and its military forces in action cannot bring peace to Vietnam. Nor can it bring an end to American responsibility for continuing the war.

An air war, financed and manned by Americans, is, by every estimate I have seen, an essential part of the policy of Vietnamization. Massive military and economic aid to South Vietnam is another part of that policy. The music is still American for we pay the piper.

One year ago I thought it unbelieveable that Congress, and particularly, the House of Representatives, would set a termination date for the war. I was wrong. It is indeed possible today. If it is not possible, I would despair for our country.

The revelations this past week of the documents involving our escalation of the war were serious enough to cause a change in the congressional view that the President alone could lead us out of this war. But the frenzied attack on those disclosures by the present Administration must confirm that revised view that Congress must act.

An Administration afraid to face the past cannot be trusted with the future. An Administration unwilling to disassociate itself from that past, becomes part of those past errors.

I support the December 31, 1971 withdrawal date specified in H.R. 4102 which I sponsored. Prompt action by this Committee and the House would mean a six month notice to the Administration and to the South Vietnamese government for the termination of our military role in Vietnam. I can think of no other step which will prod the Thieu government to the understanding that American props to his unrepresentative government are ending.

Congress must act in this unusual exercise of its powers because the Administration shows no determination to take this difficult but absolutely necessary step of ending support for the South Vietnam regime. To the charge that there is no precedent for Congress to demand such action, one must reply that there has been no such war before in our history. We have supported dictators and repressive governments before but never have we committed so many lives—Americans and non-Americans—to such a commitment.

In no other conflict have we presented a policy like Vietnamization which obliges us to keep American military forces engaged until and unless such a regime can succeed on its own. For Vietnamization is dependent on maintaining in power the unpopular and represssive military government in South Vietnam.

With all of the military influence, President Thieu and Vice President Ky got less than 35 per cent of the votes cast in 1967; over 60 per cent of the votes were cast for civilian candidates who had some kind of peace plank in their platform. That election confirmed that the people of South Vietnam want peace and not a continuation, under a slick name, of the war.

I am convinced that the South Vietnamese want a coalition government which will bring them peace. They are unlikely to get it from either Thieu or Ky or from our support of them. Thieu has one political adversary in jail, Deputy Taan Ngoc Chau, contrary to two rulings of the South Vietnamese Supreme Court. Thieu's rival for the presidency in 1967, Truong Dinh Dzu, is now in jail. And the new election law for this year's presidential election may have eliminated Vice President Ky and many other candidates from the race. Clearly we will not contribute to peace in Vietnam by supporting Thieu or indeed by supporting any government. The Vietnamese must establish their own political process for obtaining a representative government; Vietnamization pits American power indefinitely to one element in South Vietnam which has shown itself unable to win the allegiance of the people.

A prompt withdrawal of American troops will force President Thieu to start serious negotiations for a responsible settlement and a representative government. Such a government should then send a new negotiating team willing and able to seek a compromise settlement with the NLF.

The cynical attempt by this Administration to tie the prisoner of war issue to its Vietnamization policy has already started to deteriorate. Even the families of American POWs, distressed as they are by their personal concerns, are beginning to see the futility of tying their loved ones to a withdrawal schedule. Precedent and commonsense indicate that prisoners will be released when the war is over. But every time someone suggests ending the war—including by the resolutions and bills we consider today—the Administration's reply is that a viable South Vietnamese government is the other condition for ending our role in the war.

Waiting for the Thieu-Ky government, or any other government we maintain, to gain viability will mean an indefinite imprisonment of our prisoners. The realization of this fact is slowly eroding the Administration's support for Vietnamization, as it should.

The American role in Vietnam has, in my judgment, run its course. We have ceased to possess the power to influence the political events there, except negatively. The longer we stay in Vietnam, the more difficult will be the political rebuilding which must be the basis of peace in Southeast Asia.

If Congress was slow in realizing that our

country was being drawn into this hopeless whirlpool, it should try now, late as the hour is, to lead us out.

If a mandate ever came to Congress, it arrived in the daily press last week. This American war was made by a series of foolish decisions which are becoming available for all of us to read. The mandate is to change this war policy. Here is the place to do it. The time is now.

HOSTILE ACTION DEATHS IN VIETNAM 1969–71

| | Allied [1] | Enemy | United States only |
|---|---|---|---|
| 1969: | | | |
| January | 2,845 | 10,955 | 795 |
| February | 3,132 | 14,086 | 1,073 |
| March | 3,380 | 19,805 | 1,316 |
| April | 2,841 | 14,539 | 847 |
| May | 3,243 | 17,443 | 1,209 |
| June | 3,117 | 16,825 | 1,100 |
| July | 2,242 | 10,237 | 638 |
| August | 2,409 | 12,373 | 795 |
| September | 2,077 | 10,369 | 477 |
| October | 2,277 | 8,747 | 377 |
| November | 2,328 | 11,639 | 446 |
| December | 2,217 | 9,936 | 341 |
| 1970: | | | |
| January | 2,180 | 9,187 | 343 |
| February | 1,839 | 8,828 | 386 |
| March | 2,198 | 10,335 | 449 |
| April | 3,247 | 13,063 | 526 |
| May | 3,663 | 17,256 | 754 |
| June | 3,354 | 7,861 | 418 |
| July | 2,114 | 7,183 | 332 |
| August | 2,100 | 6,446 | 319 |
| September | 1,999 | 6,138 | 219 |
| October | 1,718 | 5,549 | 170 |
| November | 1,834 | 5,607 | 167 |
| December | 2,053 | 6,183 | 138 |
| 1971: | | | |
| January | 1,780 | 6,155 | 140 |
| February | 2,704 | 11,704 | 221 |
| March | 3,829 | 19,858 | 272 |

[1] Allied figures for 1969 only include averaged monthly figures for South Vietnamese based on quarterly totals.

## AGREES WITH GALLUP POLL ON VIETNAM TERMINATION

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. HELSTOSKI. Mr. Speaker, Thursday, June 17, when the Nedzi-Whalen amendment was being considered by the House, I was away from the Capital, having been granted official leave for the period of June 14 through June 22.

Mr. Speaker, because of this I was not able to vote on this important amendment which would prohibit the expenditure of funds by the Defense Department after December 31, 1971, to support continued American presence in all areas of Southeast Asia.

I agree with the majority of the American people, according to the Gallup poll, that our involvement in Vietnam should be terminated. In being involved in this conflict, thousands of miles away from our own shores, we are engaged in a tragic waste of human resources and of financial resources which could be better utilized within the United States to combat our own pressing domestic problems.

Our continued stay in Vietnam adds another problem which will be with us long after the final curtain is drawn down upon this conflict, that of the rehabilitation of our young men who are returning from that war area having become addicts to heroin and other drugs, and maimed, injured or crippled for life. The sooner we get out of Vietnam, the sooner our domestic problems will be resolved.

Over the years, I have spoken out against our participation in the Vietnam war at every opportunity. Again, I speak out against our being there at this time. I supported the purpose behind the Nedzi-Whalen amendment and regret very much that it failed passage when the vote was taken.

I continue to feel a moral obligation to oppose the continuation of this cruel and senseless war. Mr. Speaker, our country is a troubled country. The continued war in Vietnam is causing great worry and anxiety. As a result of this war, the country is torn by dissension. We all look to the day when every American soldier will be removed from this unhappy area of war.

The Nedzi-Whalen amendment was a very sensible approach in terminating our involvement in Southeast Asia. The people of the United States look to Congress and the Chief Executive to withdraw our forces from Vietnam. They hold us responsible for what we do.

Mr. Speaker, had I been present during the debates on this amendment which I had endorsed, I would have urged its adoption and voted for passage to get out of Indochina as soon as possible but certainly by the end of this year. While the result would not have been any different, it would add one more vote in acceptance of the concept that we end our involvement in this war forthwith.

## CONGRESS MUST ACT PROMPTLY TO SAVE OUR SCHOOLS

### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. YOUNG of Florida. Mr. Speaker, the U.S. Supreme Court seems determined to destroy the neighborhood school system and quality education in America. The Court on April 20 acted to circumvent the will of Congress and by decree denied the right of children to attend their neighborhood school because of their color.

To right this tragic wrong, I have introduced a proposed constitutional amendment, House Joint Resolution 600, guaranteeing that the right of students to attend the public school nearest their residence shall not be denied or abridged because of race, color, national origin, religion or sex.

Prompt action by the Congress is essential if we are to save our schools from the caprices of nine men who believe they are law unto themselves.

The issues involved in this struggle go to the very heart of our democratic processes, and our constitutional form of government. This is exceptionally well highlighted in a recent letter to the editor of the Tampa Tribune, one of the fine newspapers serving my home district.

The letter has received the endorsement of the North Tampa Chamber of Commerce, and is included in its entirety for the consideration of our colleagues in the Congress.

COURT DESTROYS NATION'S FREEDOM

TAMPA.—There are two ways for a man or a nation to die: By outside forces such as injury, hostile attack or war, or by internal defects, corruption or disease. When a nation is consumed from within it is usually by slow, small steps, none of which is sufficient to cause the people to react. Day by day, year by year, generation by generation freedom slips from their grasp, the process becoming irreversible when, slaves in all but name, they no longer have the courage and spirit necessary to regain their liberty. For this reason the latest judicial arrogance, by sparking us to action, may yet serve some useful purpose. I refer, of course, to the Supreme Court edict concerning racial mixture in the schools.

The court ruling is no small step, but rather an outrage without parallel in recent history, a move which is at once unconstitutional, illegal and unjust. It is unconstitutional because it denies to the people the equal protection of the law; it is illegal because it is in direct contravention of legislation passed by the Congress; it is unjust because it is applied to only certain sections of the country while elsewhere the same situation goes unchallenged. It raises questions that have no answers in a society of free men.

For instance, if government can assign children to school on the basis of skin color, then it can assign them also on the basis of religion, or ethnic background. The Court thus claims it is empowered to say to a child. "There are too many children of your religion here in this school; you must go to another school. We will, however, take your friend, who is of the right religion." Or perhaps, "Your grandparents came from such-and-such country and we cannot accept you into this school for there are too many of your background here already: you must go to a different school." The Court further decrees that skin color is a proper criterion for hiring teachers.

Since the Court feels there is a legal distinction to be made between Americans of different skin color, will they draw up a definition of color? That is, if a child has one parent of color A and the other of color B will he be considered A or B for school assignment? Will they work his genealogy back through grandparents and great-grandparents, as in Nazi Germany? Is this what we want in America?

If the Court said in 1954 that school assignments based on skin color are unconstitutional, then why is the Court in 1971 assigning students on the basis of skin color?

Without laboring the issue any further, it can be seen that we are at a turning point in the history of the nation. If we permit so great an evil to succeed we shall never again have the opportunity to govern ourselves. But do we dare challenge the immense power of the Federal Government? Do we dare stand firm against this monstrous government?

The history of the United States sparkles like a jewel with the memory of men who refused to accept "inevitable" injustice, but fought on to freedom.

It is said that for evil to triumph it is necessary only that good men do nothing. The cause is just, the issue is clear, the time is now; what then will we do?

## PRESIDENT NIXON IS KEEPING HIS WORD

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. McCLORY. Mr. Speaker, last week the President of the United States with-

drew an additional 2,300 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 244,900 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

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## OUTLOOK FOR AMERICA

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### HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES


*Wednesday, June 23, 1971*

Mr. CHAPPELL. Mr. Speaker, we often find ourselves so deeply concerned with the problems of America that we fail to look at the many good things that are happening around us. The people of America apparently want to hear voices of hope from time to time. Several of my own constituents have already forwarded a copy of a speech given by the publisher of Look magazine. This speech is entitled "Disaster Lobby." Perhaps our people are a little tired of the "doomsday" attitude of many. At any rate, Mr. Shepard's speech is quite refreshing:

THE DISASTER LOBBY

(By Thomas R. Shepard, Jr.)

(NOTE.—The following is the text of the speech Mr. Shepard delivered Jan. 28, 1971, before the 44th Annual Meeting of the Soap and Detergent Association at the Waldorf-Astoria Hotel, New York City.)

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.

Let's begin with a close-in look at that drumbeat of despair I heard in the taxicab and that all of us hear almost every day. Just how much truth is there to the Disaster Lobby's complaints?

Take the one about the oxygen we breathe. The Disaster folks tell us that the burning of fuels by industry is using up the earth's oxygen and that, eventually, there won't be any left and we'll suffocate. False. The National Science Foundation recently collected air samples at 78 sites around the world and compared them with samples taken 61 years ago. Result? There is today precisely the same amount of oxygen in the air as there was in 1910—20.95 per cent.

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 immeasurably cleaner today than it was a hundred years ago, when people burned soft coal and you could cut the 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 cholera, yellow fever and typhoid epidemics the world has ever known. Just one of these 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*.

Perhaps it's the fear of overpopulation that's getting you down. Well, cheer up. The birth rate in the United States has been dropping continuously since 1955 and is now at the lowest point in history. If the trend continues, it is remotely possible that by the year 4000 there won't be any left in the country. But I wouldn't fret about *under*-population, either. Populations have a way of adjusting to conditions, and I have no doubt that our birth rate will pick up in due course.

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 contain twice as much mercury as any fish processed this year.

Speaking of fish, what about the charge that our greed and carelessness are killing off species of animals? Well, it's true that about 50 species of wildlife will become extinct this century. But it's also true that 50 species became extinct last century. And the century before that. And the century before *that*.

In fact, says Dr. T. H. Jukes of the University of California, some 100 million species of animal life have become extinct since the world began. Animals come and animals go, as Mr. Darwin noted, and to blame ourselves for evolution would be the height of foolishness.

Then there is the drug situation. Isn't it a fact that we are becoming a nation of addicts? No, it is not. Historically, we are becoming a nation of *non*-addicts. 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 teen-agers, 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 trouble-makers 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.

A while back *Look* commissioned Gallup to do a study on the mood of America. Gallup found that, on virtually every issue, the views of teen-agers coincided with those of adults. And on those issues where the kids did *not* see eye-to-eye with their elders, the youngsters often tended to be more conservative.

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.

During the Kennedy Administration unemployment topped 7 per cent. And back in the recovery period of Franklin Roosevelt's second term, unemployment reached 5 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 with 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.

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 very brief. Life expectancy was 38 years for males. And it was a grueling 38 years. The work week 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.

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.

When I speak of a threat to lives, I mean it literally. A classic example of the dire things that can happen when the Disaster Lobby gets busy is the DDT story.

It begins during World War II when a safe, cheap and potent new insecticide made its debut. Known as DDT, it proved its value almost overnight. Grain fields once ravaged by insects began producing bumper crops. Marshland became habitable. And the death rate in many countries fell sharply.

According to the World Health Organization, malaria fatalities dropped from four million a year in the 1930s to less than a million by 1968. Other insect-borne diseases also loosened their grip. Encephalitis. Yellow fever. Typhus.

Wherever DDT was used, the ailment abated. It has been estimated that a hundred million human beings who would have died of one of these afflictions are alive today because of DDT.

But that's not the whole story. In many countries famine was once a periodic visitor. Then, largely because of food surpluses made possible by DDT, famines became relatively rare. So you can credit this insecticide with saving additional hundreds of millions of lives.

Then in 1962 a lady named Rachel Carson wrote a book called *Silent Spring* in which she charged that DDT had killed some fish and some birds. That's all the Disaster Lobby needed.

It pounced on the book, embraced its claims—many of them still unsubstantiated—and ran off to Washington to demand a ban on DDT. And Washington meekly gave them their ban, in the form of a gradual DDT phase-out. Other countries followed the U.S. lead.

The effects were not long in coming. Malaria, virtually conquered throughout the world, is having a resurgence. Food production is down in many areas. And such pests as the gyspy moth, in hiding since the 1940s, are now munching away at American forests.

In some countries—among them Ceylon, Venezuela and Sweden—the renaissance of insects has been so devastating that laws against DDT have been repealed or amended. But in our country the use of DDT, down to 10 per cent of its former level, may soon be prohibited entirely.

The tragedy is that DDT, while it probably did kill a few birds and fish, never harmed a single human being except by accidental misuse. When the ultimate report is written, it may show that the opponents of DDT—despite the best of intentions—contributed to the deaths of more human beings than did all of the natural disasters in history.

In addition to endangering human life, the Disaster Lobbyists are making things as difficult as possible for us survivors. By preventing electric companies from building new power plants, they have caused most of those blackouts we've been experiencing.

By winning the fight for compulsory seat belts in automobiles, they have forced the 67 per cent of all Americans who do not use seat belts to waste $250 million a year buying them anyway.

By demanding fewer sizes in package goods on the ground that this will make shopping easier for the handful of dumbbells in our society, they are preventing the intelligent majority of housewives from buying merchandise in the quantities most convenient and most efficient for their needs.

And I don't have to tell anyone in this room what the Disaster crowd has done and is doing to make washday a nightmare in millions of American homes. By having the sale of detergents banned in some areas and by stirring up needless fears throughout the country, they have missed the point entirely.

As Vice President Charles Bueltman of the Soap and Detergent Association recently pointed out, detergents with phosphates are perfectly safe, eminently effective and admirably cheap. And if they foam up the water supply in some communities, the obvious remedy is an improved sewer system. To ban detergents is the kind of overkill that might be compared with burning down your house to get rid of termites.

But of all activities of the Disaster Lobbyists, the most insidious are their attempts to destroy our free enterprise system. And they are succeeding only too well.

According to Prof. Yale Brozen of the University of Chicago, free enterprise in the United States is only half alive. He cited as evidence our government's control of the mail, water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies, along with its regulatory involvement in other industries.

And his statement was made prior to introduction in Congress last year of 50 bills designed to broaden government influence over private business.

Fortunately, most of the bills were defeated or died in committee. But they will be back in the hopper this year, along with some new bills. And they will have support from the darlings of the Disaster Lobby—senators like Moss, Proxmire, and Hart and Representatives like Rosenthal of New York.

If so many important people are against free enterprise, is it worth saving? I think it is. With all its faults, it is by far the best system yet devised for the production, distribution and widespread enjoyment of goods and services.

It is more than coincidence that virtually all of mankind's scientific progress came in the two centuries when free enterprise was operative in the Western world, and that most of the progress was achieved in the nation regarded as the leading exponent of free enterprise: the United States of America.

For in the past 200 years—an eyeblink in history—an America geared to private industry has conquered communicable diseases, abolished starvation, brought literacy to the masses, transported men to another planet and expanded the horizons of its citizens to an almost incredible degree by giving them wheels and wings and electronic extensions of their eyes, their ears, their hands, even their brains. It has made available to the average American luxuries that a short time ago were beyond the reach of the wealthiest plutocrat.

And by developing quick-cook meals and labor-saving appliances, it has cut kitchen chores in most homes from five hours a day to an hour and a half—and as a result has done more to liberate women than all of the bra-burning Betty Friedans, Gloria Steinems and Kate Milletts combined.

But the practical benefits of free enterprise are not my principal reason for wanting to preserve the system. To me, the chief advantage of free enterprise is in the world "free." "Free" as opposed to controlled. "Free" as opposed to repressed. "Free" as in "freedom."

I am always amazed that members of the Disaster Lobby—libertarians who champion the cause of freedom from every podium, who insist on everyone's right to dissent, to demonstrate, to curse policemen and smoke pot and burn draft cards and fly the flags of our enemies, while trampling our own—these jealous guardians of every citizen's prerogative to act and speak without government restraints are also the most outspoken advocates of eliminating freedom in one area. When it comes to commerce, to the making and marketing of goods, our liberty-loving Disaster Lobby is in favor of replacing freedom with rigid controls.

And let us not minimize the value of this freedom of commerce to every man, woman and child in our country.

This is the freedom that makes it possible for the consumer to buy one quart of milk at a time—even though a government economist may think gallon containers are more efficient and quarts should be abolished.

This is the freedom that enables the consumer to buy rye bread if he prefers the taste—although someone in Washington may feel that whole-wheat is more nutritious and rye should outlawed.

This is the freedom that allows the consumer to buy a refrigerator in avocado green despite some bureaucrat's desire to have all refrigerators made in white because it would be more economical that way.

For in a free economy, the consumer—through his pocketbook—determines what is made and what is sold. The consumer dictates the sizes, the shapes, the quality, the color, even the price.

And anyone who doubts the importance of this element of freedom ought to visit one of those grim, drab countries where the government decides what should and what should not be marketed.

But this is the direction in which the Disaster Lobby is pushing our country. What surprises me is how few of us seem to recognize the enormity of the threat. Instead of fighting back, we keep giving in to each insane demand of the consumerists—in the hope, I suppose, that if we are accommodating enough the danger will go away.

Well, ladies and gentlemen, it won't go away. If I accomplish nothing else today, I hope I can make that fact transparently plain.

Take the Nader group, for example. I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the consumer by improving business methods.

Forget it. Mr. Nader isn't interested in seeing American industry clean house. What he wants is the *house*—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission.

Find it hard to believe? Then listen to this Associated Press report of a speech he made last September:

"Consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail."

Well, we all know which corporations abuse the public interest in the eyes of Mr. Nader, don't we. *All* of them. The automobile companies. The tire companies. The appliance companies. The drug companies. The food companies. And yes, indeed, the soap and detergent companies.

What Mr. Nader really desires, ladies and gentlemen, is for the government to take over *your* companies and to toss all of you into the calaboose, presumably without a trial. At least he never said anything about a trial.

Does anyone still think Mr. Nader and the rest of the Disaster Lobby are just some harmless do-gooders? Those who know them best don't think so. Federal Trade Commissioner Paul Rand Dixon, for example. Not long ago, he said of Mr. Nader—and I quote—"He's preaching revolution, and I'm scared."

So let's start fighting back! It's not an impossible task because the Disaster Lobby is, by and large, not too bright and far too preposterous. All we have to do to win over the American people is acquaint them with the facts.

We must show them that the consumerists are for the most part devout snobs who believe that the average man is too stupid to make his own selections in a free marketplace.

Our Disaster group opponents also have the most cockeyed set of priorities I have ever encountered. To save a few trees, they would prevent construction of a power plant that could provide essential electricity to scores of hospitals and schools. To protect some birds, they would deprive mankind of food. To keep fish healthy, they would allow human beings to become sick.

One curious feature of the Disaster Lobby is an almost total lack of ethics. I say "curious" because these are the people who demand the maximum in ethics from private industry.

Not long ago, an organization favoring clean air ran an ad soliciting funds from New Yorkers. It was full of half-truths and non-truths, including this sentence: "The longer you live with New York's polluted air and the worse it gets, the better your chances of dying from it." But we know that New York's air is *not* getting worse. Just let some private company run that ad and see how fast the consumerism boys would have a complaint on file with the FTC.

Immaturity is also a characteristic of the Disaster man. His favorite question is, Why can't we have everything? Why can't we have simon-pure air *and* plentiful electricity *and* low utility rates, all at the same time? Why can't we have ample food *and* a ban on pesticides? I recommend the same answer you would give a not-too-intelligent five-year-old who asks, "Why can't I eat that cookie and still have it?" You explain that you just *can't* under present technology.

Just recently the Coca-Cola Co. felt it necessary to reply to environmentalists who demand immediate replacement of glass and metal soft drink containers with something that will self-destruct. "A degradable soft drink container sounds like a fine idea," said Coca-Cola, "but it doesn't exist. And the chances are that one can't be made."

And Edward Cole, president of General Motors, responding to a government mandate for drastic reductions in exhaust emissions within the next four years, stated: "The technology does not exist at this time—inside or outside the automobile industry—to meet these stringent emission levels in the specified time."

This inability of the Disaster people to accept reality is reflected in their frequent complaint that mankind interferes with nature. Such a thing is patently impossible. Man is *part* of nature. We didn't come here from some other planet. Anything we do, we do as card-carrying instruments of nature.

You don't accuse a beaver of interfering with nature when it chops down a tree to build a dam. Then why condemn human beings for chopping down a lot of trees to build a lot of dams—or to do anything else that will make their lives safer or longer or more enjoyable?

When it comes to a choice between saving human lives and saving some fish, I will sacrifice the fish without a whimper. It's not that I'm anti-fish; it's just that I am pro-people.

The Disaster Lobbyist's immaturity shows up again and again in his unwillingness to compromise, to understand that man must settle for less than perfection, for less than zero risk, if he is to flourish. Failing to understand, they demand what they call "adequate testing" before any new product is released to the public. But what they mean by adequate testing would, if carried out, destroy all progress.

If penicillin had been tested the way the Disaster Lobby wants all products tested—not only on the current generation but on future generations, to determine hereditary effects—this wonder drug would not be in use today. And millions of people whose lives have been saved by penicillin would be dead.

We simply cannot test every aspect of human endeavor, generation after generation, to make *absolutely* certain that *everything* we do is *totally* guaranteed not to harm *anybody* to *any* degree whatsoever. We must take an occasional risk to do the greater good for the greater number. But that is a rational mature evaluation—something of which the Disaster Lobby seems utterly incapable.

So this is the face of the enemy. Not a very impressive face. Not even a pleasant face. We have nothing to lose, therefore, by exposing it to the American people for what it is.

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.

The people we must reach are the *consumers* of America, and they're out there right now listening to propaganda from the other side and, as often as not, agreeing with it. But why shouldn't they? They have yet to hear the truth.

It's a bit late to make a New Year's resolution, but I suggest this one for anyone willing to chip in with a tardy entry. Let us resolve that 1971 will be the year we help convince the people of America that our nation is a great one, that our future is a bright one and that the Disaster Lobby is precisely what the name implies. A disaster.

## THE PRESIDENT'S MESSAGE DEALING WITH ENERGY RESOURCES


### HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES


*Wednesday, June 23, 1971*

Mr. TIERNAN. Mr. Speaker, on June 4, 1971, President Nixon sent to Congress a message dealing with energy resources. The President noted:

> A sufficient supply of clean energy is essential if we are to sustain healthy economic growth and improve the quality of our national life.

He sets out the broad outlines of a program which will purportedly meet our growing demands for energy without doing violence to the environment.

Mr. Nixon is to be commended for focusing attention on this most vital area of public policy. But I am afraid he has done little more: The substantive impact of the proposal set forth in his message is likely to be counterproductive to the Administration's professed goals.

#### I. RESEARCH AND DEVELOPMENT

The first part of the message deals with an expanded research and development program for fiscal year 1972. No one can quarrel with the President's desire to increase research for developing more efficient and less polluting forms of electrical energy production. At a time when environmental concern is mounting in urgency, electric power generation is being identified as a major source of pollution, with individual plants pouring hundreds of tons of wastes into the air annually. At the same time, experts predict that the total level of pollution from all energy used in the United States could be cut in half by more efficient generation methods.

Clearly this need for clean electricity production is an enormous challenge to the electric power industry. The industry has not seen fit, however, to accept the challenge. It spends annually less than one-fourth of 1 percent of its revenue on research and development while most other regulated industries spend in the range of 2 to 3 percent.

The Government has attempted to fill the gap left by the private utilities, but its efforts to date have been wholly inadequate. In fiscal 1970, Federal efforts cost $350 million, 85 percent of which went into nuclear energy research. By way of contrast, we spent over $3 billion that year on our space effort, an area much less vital in terms of the Nation's most pressing needs.

Despite this lack of commitment to research by Government and industry, several promising generation methods have been discovered. Mr. Nixon has chosen one, the liquid metal fast breeder reactor, for accelerated development while other equally promising generation methods remain largely neglected. Some examples are, magnetohydrodynamics, fuel cells, and nuclear fusion.

There are, nevertheless, substantial dangers inherent in the administration's accelerated research program. The President has committed himself to making the fast breeder reactor, a potentially more efficient and less polluting type of reaction operational by 1980. To do this, he has requested an additional $27 million for the Atomic Energy Commission's engineering program and $50 million more for a demonstration plant. The danger here is that the funds requested are grossly inadequate. The consensus of nuclear generation experts is that a much larger expenditure of funds would be necessary to meet the 1980 deadline.

We have already seen the effect of overpromotion of nuclear generation by the AEC. The Commission made glowing predictions in the early 1960's that nuclear power would be the major source of the 1970's. As a result, development of potential fossil fuel resources was brought to a halt as the utilities turned to nuclear power. When atomic generation failed to develop as quickly as the AEC had predicted, the utilities turned back to fossil fuel only to find no supplies available. This oversell of nuclear generation was one of the prime causes of our present power shortage, which is fast assuming crisis dimensions.

If the utilities accept this promise of a feasible fast breeder reactor by 1980 and commit themselves to it in their planning, a failure to come through on this promise could result in an energy crisis which would make the present shortage pale by comparison. Importantly the fast breeder program is the product of the same AEC promotion-regulation paradox that contributed to the last crisis.

#### II. A DEVELOPING ENERGY RESOURCES MONOPOLY

Of far greater importance and with vastly more potentially adverse conse-

quences is the President's program for development of energy resources. He announced an accelerated coal gasification program as well as accelerated leasing programs for oil, gas, and geothermal energy sources on public lands.

There is substantial evidence to indicate that this leasing program is the worst possible step we could take at the present time. This is so because of the tightening hold that the oil companies are gaining on all alternative fuels. The distinguished Representative from Wisconsin (Mr. KASTENMEIER) recently pointed out that oil companies have been acquiring substantial holdings in the coal and uranium industries, signaling an end to interfuel competition. This competition has been habitually relied upon for consumer protection.

It is generally known that at least 40 to 50 percent of all coal and oil resources in the United States are in the hands of the energy barons, although it is impossible to know the true extent of the concentration, because of the confusing industry structure established by the energy magnates to shield their holdings.

The record of the leasing program to date has been a very poor one. Oil companies hold approximately 30 percent of the total leased acreage. Of a total of 71 leases held by oil companies, only three have been developed, thus resulting in no appreciable increase in the available fuel supply.

Mr. Nixon's stated purpose in accelerating the leasing program is to "make these resources available to meet the growing energy requirements of the Nation." Yet the prior experience of the leasing program is that the result will be the exact opposite as oil companies extended their control over potential competitors.

III. AN ALTERNATIVE

First, we must insure an adequate supply of the fuels used for generation of electric power.

One important way to accomplish this would be to abolish the oil import quota system. This system artificially restrains the market by preventing world producers from competing with domestic oilmen in the U.S. market. The American Public Power Association reports in its study of "Artificial Restraints on Basic Energy Sources" that at a time when oil is selling at $2 per barrel on the world market, American utilities are paying an average of $3.30 per barrel with utilities in New England paying as much as $4.92 per barrel for the inferior grade residual oil. The estimate is that this protection for domestic oil producers costs American consumers $5 billion annually.

Further, it serves to deplete much more rapidly than is actually necessary the remaining oil reserves in this country, and to create an artificial shortage.

The President has the power to stop this artificial constraint on the operation of an open market. His own Cabinet Task Force on Oil Import Control recommended that he take this step. He has, however, adamantly refused to do so. In the face of this refusal, Representative SILVIO CONTE has introduced H.R. 4933, of which I am a cosponsor to abolish oil import quotas.

There is a legitimate national defense consideration which has been used to justify the oil import control program in the past. Certainly we do not want to place the United States in the position of being dependent on interruptible flows of fuels from insecure sources. To meet this problem, we have also introduced a bill, H.R. 9224, which would establish a National Defense Petroleum Reserve. This bill would require the President to set aside Federal land with enough petroleum producing capacity to protect the United States against a 1-year continuous interruption of oil imports from countries which he determined to be insecure sources. This is a sound proposal for guarding the Nation's fuel supply.

The classic American theory of free enterprise postulates that the best product at the lowest possible cost is most likely to be produced through the competitive interplay of the open market. Clearly this competitive system cannot operate when substantial percentages of oil's competitors are owned by the major petroleum companies. The Federal Government should require the dissolution of these energy monopolies. This could be done in one of several ways. The Federal Trade Commission has recently ordered Kennecott Copper to divest itself of Peabody Coal. It is reportedly considering the competitive effects of the Continental Oil-Consolidation Coal merger. If present antitrust law is found to be inadequate, then it could be supplemented by an amendment explicitly requiring divestiture of coal and uranium holdings by oil companies. Such an approach is embodied in H.R. 4731 introduced by Mr. KASTENMEIER.

One immediate step that must be taken is a halt on the leasing of resources on Federal lands. Mr. Nixon's proposed program calls for an accelerated leasing schedule. Secretary of Interior Morton has already announced a new leasing schedule for oil and gas. This is very unwise for several reasons:

First. The present system of leasing requires a high initial bonus payment in advance of development of the lease. This prevents any small companies from bidding and increases the concentration of resources in the hands of the energy magnates.

Second. There is no national energy policy guiding the development of these reserves. President Nixon noted in his message:

> Over half of our nation's remaining oil and gas resources, about 40% of our coal and uranium, 80% of our oil shale, and some 60% of our geothermal energy sources are located on public lands.

These resources must be developed carefully, for when they have been depleted we will have reached the end of our supply. After a thorough study we might find that it would be wiser to decelerate leasing pending the curtailment of overlavish energy use by industry and the development of more efficient methods for utilizing our declining fuel supply.

Third. Some of the potential fuels, particularly the oil shale, are extremely difficult to claim. Recovering the oil using present mining methods would result in a total devastation of the land, akin to the result from strip mining for coal. Leasing of this land should be delayed until adequate assurance can be given that this will not be the result.

Another area in which Federal action is needed is in a thorough reformation and revitalization of the regulatory process. The Federal Power Commission has become a rubberstamp operation for ratifying industry initiatives. Mr. Nixon must accept a large share of the blame for this. He has consistently made appointments which reflect a clear, undisputed, and irresponsible industry orientation. The regulatory commissions were created to protect the consumer from Government-sanctioned monopolies, not vice versa. This, however, is the role they have assumed and no better example can be found than the Federal Power Commission.

In conjunction with a revitalization of the regulatory process, there is a need for an independent agency to be created which would represent the interests of consumers before the regulatory commissions. I have introduced a bill, H.R. 4872, to establish an independent Utility Consumers Counsel. My bill, I feel, would accomplish this goal.

Mr. Nixon is to be lauded for his proposal that a separate energy agency be created. A supply of clean and reliable energy will be central to our efforts to improve the quality of life. An energy agency has an important role to play in insuring that this demand will be met.

An adequately funded energy agency could take the lead in developing sound energy policy. It could work for the revision of rate structures which reward wasteful use of energy. It could research all methods of supplying power free from the kind of institutional commitment to a particular method of production that has seriously reduced the Atomic Energy Commission's contribution to meeting this country's demand for electric power.

An additional role for the Federal Government could be to establish a public corporation to bid for resource leases on public lands. This alternative would assure that the resources would be made available to the consumer in the most economical manner consistent with environmental protection and wise energy policy. It would also serve as an effective regulatory yardstick that would make meaningful rate regulation possible.

Central to the success of any Federal initiative in the field of energy is a genuine commitment to solving the problem. The President's goals are highly commendable—the commitment he makes to achieving them is not. For a $20 billion industry faced with a challenge of this magnitude, an additional $100 million can hardly be called a commitment.

Americans rely on energy to such a great extent that they are wholly dependent on the energy producers. If we do not respond to the present energy crisis with a substantial high priority commitment, tomorrow's energy needs may go unmet. While a journey of a thousand miles may begin with a single step, Mr. Nixon's pace is hardly more than a crawl.

## WETA—TRUE PUBLIC SERVICE RADIO

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. BINGHAM. Mr. Speaker, those of us who live or work in the Washington, D.C. area are fortunate in having WETA–FM as a new addition to our community.

WETA is a noncommercial, public radio station in the best sense of that term. Not only do they provide a great variety of music, news, and discussion without commercial interruption but their programs are informative and provocative.

As an example, WETA recently presented live coverage of the hearings which were held before the Senate Foreign Relations Committee on various end-the-war resolutions. As a member of the House Foreign Affairs Committee, and as the chief House sponsor of the Vietnam Disengagement Act—H.R. 4100—I feel it is of real value for members of congressional staffs and others to be able to keep abreast of Senate hearings over WETA while continuing their work in their offices.

WETA is only one of a number of stations across the country that make up the network known as National Public Radio. This network, supported in large measure by the Corporation for Public Broadcasting, has the potential for bringing to listeners across the country a type of programing that has never been available before. It is a challenge and an opportunity. I am confident that if other stations meet the same high standards evident on WETA, this potential will be realized.

Mr. Speaker, at this time I would like to place in the RECORD a list of live and tape delayed programs of a public service nature which were aired over WETA–FM during their first year of operation. I feel this list speaks for itself:

WETA–FM LIVE AND TAPE DELAYED COVERAGE OF ACTUALITIES

| Event | Date of event | Time of broadcast | Live/tape-delayed (local or network) |
|---|---|---|---|
| President Nixon's Vietnam statement | Apr. 20, 1970 | 9 p.m. to 9:15 p.m. | Live (from pool). |
| District of Columbia Council hearing on narcotics tests | Apr. 22, 1970 | 10 a.m. to 5 p.m. | Live (local). |
| Maryland abortion hearings | Apr. 23, 1970 | 7 p.m. to 12:15 a.m. | Tape-delay (local). |
| Press conference on the Apollo 13 astronauts at National Press Club | Apr. 30, 1970 | 6 p.m. to 6:45 p.m. | Do. |
| President Nixon's first report on Cambodia | May 8, 1970 | 10 p.m. to 10:15 p.m. | Live (from pool). |
| Demonstrations against U.S. foreign policy on Ellipse (Cambodia reaction) | May 9, 1970 | 12:50 p.m. to 5 p.m. | Live (fed EPRN). |
| Secretary of the Interior Walter Hickel at National Press Club luncheon | May 21, 1970 | 1:10 p.m. to 2 p.m. | Do. |
| President Nixon's 2d report on Cambodia | June 4, 1970 | 9 p.m. to 9:10 p.m. | Live (from pool). |
| Rev. Jesse Jackson, Howard University commencement speech | June 5, 1970 | 6 p.m. to 7 p.m. | Live (local and tape distribution). |
| Senate District of Columbia Committee hearings on narcotics problem | June 11, 1970 | 10:10 to 11:20 a.m. | Live (local). |
| President Nixon's economic address | June 17, 1970 | 12 noon to 12:30 p.m. | Live (from pool). |
| British parliamentary election coverage | June 18, 1970 | 6 p.m. to 11 p.m. | Live (with BBC and WGBH–FM for EPRN). |

| Event | Date | Date and time of broadcast | Mode | Distribution |
|---|---|---|---|---|
| District of Columbia City Council abortion law hearings | June 24, 1970<br>June 26, 1970 | June 27, 1970, 9 a.m. to 5:30 p.m. | Tape | Local. |
| Selective Service lottery | July 1, 1970 | July 1, 1970, 10:10 a.m. to 1:50 p.m. | Live | EPRN. |
| "Honor America Day" events | July 4, 1970 | July 4, 1970, 10:45 a.m. to 12:08 p.m.; 7 p.m. to 9:50 p.m. | do | EPRN, BBC, AFRS, HUGHS. |
| Profile Plus with Herb Klein and Robert Finch | July 19, 1970 | July 19, 1970, 8 p.m. to 9 p.m. | do | From pool. |
| Senate Investigations Subcommittee hearings on bombing and terrorism | July 21, 1970 | July 21, 1970, 10:15 a.m. to 12:25 pm | do | EPRN. |
| International Platform Association (IPA): Seeress Jeane Dixon | July 28, 1970 | July 28, 1970, 10:20 a.m. to 11 a.m. | do | Local. |
| IPA: Musician-Comedian Victor Borge | do | July 28, 1970, 11:30 a.m. to noon | do | Local |
| IPA: "An Assessment of Spiro Agnew" with Jack Anderson, Nancy Dickerson, Frank Mankiewicz, Richard Wilson, and Warren Rogers. | do | July 28, 1970, 1 p.m. to 2:15 p.m. | do | Do. |
| IPA: Attorney General John Mitchell interviewed by James J. Kilpatrick; Betty Friedan on Women's Liberation. | do | July 28, 1970, 8:30 p.m. to 10:15 p.m. | do | Do. |
| IPA: Senator John Tower, Republican of Texas, on "The Challenge of the 70's"; ABC TV Correspondent John Scali on "Washington Wonderland." | July 29, 1970 | July 29, 1970, 10:15 a.m. to 11:20 a.m. | do | Do. |
| IPA: Ralph Nader on the "Upside Down Society"; H. Ross Perot on freeing U.S. Vietnam war prisoners. | do | July 29, 1970, 8:30 p.m. to 10:15 p.m. | do | Do. |
| IPA: Lowell Thomas, Ann Landers, Dr. Glenn Seaborg, Art Linkletter | July 30, 1970 | July 30, 1970, 9 p.m. to 10 p.m. | do | Do. |
| President Nixon's press conference from California | do | July 30, 1970, 11 p.m. to 11:35 p.m. | do | From pool. |
| IPA: "Ask Al Capp" | July 31, 1970 | July 31, 1970, 9:30 p.m. to 10:30 p.m. | do | Local. |
| Senate Subcommittee on Communications hearings on the use of broadcast time | Aug. 4, 1970 | Aug. 4, 1970, 10 a.m. to 12:30 p.m.; 1:30 p.m. to 4 p.m. | do | Do. |
| | Aug. 5, 1970 | Aug. 5, 1970, 10 a.m. to 11:45 a.m.; 1:30 p.m. to 3:55 p.m. | do | Do. |
| | Aug. 6, 1970 | Aug. 6, 1970, 10 a.m. to noon; 1:30 p.m. to 3:30 p.m. | do | Do. |
| Maryland High Week: | | | | |
| Chancellor's address | Sept. 9, 1970 | Sept. 9, 1970, 11:20 a.m. to 11:45 a.m. | do | Do. |
| Katherine Ann Porter | do | Sept. 9, 1970, 7:35 p.m. to 8:27 p.m. | do | Do. |
| Adam Clayton Powell | Sept. 10, 1970 | Sept. 10, 1970, 1:20 p.m. to 3:50 p.m. | do | Do. |
| Representative Phillip Crane (R–Ill.), Senator Mike Gravel (D–Alaska) | do | Sept. 10, 1970 6:40 p.m. to 8:55 p.m. | do | Do. |
| William Kunstler and Jack Garrity | Sept. 11, 1970 | September 11, 1970, 11 a.m. to 12:56 p.m. | do | Do. |
| Tom Sorenson | do | September 11, 1970, 1:25 p.m. to 1:50 p.m. | do | Do. |
| President Nixon's speech at Kansas State University | Sept. 16, 1970 | Sept. 16, 1970, 1 p.m. to 1:40 p.m. | do | From pool. |
| White House Conference on Children; forum on child development and the mass media | Sept. 21, 1970 | Sept. 21, 1970, 9 a.m. to 12:05 p.m.; 1:30 p.m. to 4 p.m. | do | EPRN. |
| | Sept. 22, 1970 | Sept. 22, 1970, 9 a.m. to 11:30 a.m.; 1:30 p.m. to 3 p.m. | do | Do. |
| CPB report to the people with John Macy, Dean Burch | Sept. 29, 1970 | Sept. 29, 1970, 9 to 9:45 p.m. | do | Local. |
| President Nixon's report to the Nation on Vietnam | Oct. 7, 1970 | Oct. 7, 1970, 9 to 9:16 p.m. | do | From pool. |
| Election night coverage | Nov. 3, 1970 | Nov. 3, 1970, 3 minute inserts: 8, 9, and 9:57 p.m., 10 p.m. to 1 a.m. | do | Local (joint prod. with newsroom). |
| Salute to the Vice President with Al Capp, Martha Mitchell, Rogers Morton, and Spiro Agnew | Nov. 12, 1970 | Nov. 13, 1970, 8 to 9 p.m. | Tape | Local. |
| South Vietnamese Vice President Nguyen Cao Ky at the National Press Club | Nov. 24, 1970 | Nov. 24, 1970, 1:05 to 2:10 p.m. | Live | EPRN. |
| Defense Secretary Melvin Laird testifying before Senate Foreign Relations Committee | do | Nov. 24, 1970, 4:10 to 6:30 p.m. | do | Do. |
| King Hussein of Jordan at the National Press Club | Dec. 10, 1970 | Dec. 10, 1970, 1 to 2 p.m. | do | EPRN. |
| | | Dec. 10, 1970, 8 to 9 p.m. (repeat) | Tape | Local. |
| President Nixon's press conference | do | Dec. 10, 1970, 9 to 9:34 p.m. | Live | From pool. |
| Secretary of State William Rogers' news conference | Dec. 23, 1970 | Dec. 23, 1970, 12 to 1 p.m. | Tape [2] | EPRN. |
| A conversation with the President | Jan. 4, 1971 | Jan. 4, 1970, 9 to 10 p.m. | Live | From pool. |
| William Ruckleshaus, Administrator of the Environmental Protection Agency, at the National Press Club. | Jan. 12, 1971 | Jan. 12, 1971, 1 to 2 p.m. | do | Local. |
| District of Columbia City Council hearings on extended care facilities | Jan. 14, 1971 | Jan. 14, 1971, 10 a.m. | do | Do. |
| District of Columbia City Council hearing on air pollution in the District of Columbia | Jan. 20, 1971 | Jan. 20, 1971, 10 a.m. to 12 p.m.; 2 p.m. to 4 p.m. | do | Do. |
| President Richard Nixon's state of the Union address | Jan. 22, 1971 | Jan. 22, 1971 9 p.m. to 9:40 p.m. | do | Do. |
| Net's "state of the Union '70" | do | Jan. 22, 1971, 9:40 p.m. to 11:00 p.m. | do | From TV. |
| California Gov. Ronald Reagan at the National Press Club | Jan. 25, 1971 | Jan. 25, 1971, 1:00 p.m. to 2:00 p.m. | do | EPRN. |
| House District of Columbia Committee hearing on District of Columbia Junior Village | Jan. 26, 1971 | Jan. 26, 1971, 9:30 p.m. to 12 p.m.; 8:30 p.m. to 11 p.m. | do | Local. |
| | | | Tape | Local replay. |
| A conversation with Senator Mike Mansfield (Democratic reply to the state of the Union) | do | Jan. 26, 1971, 7:30 p.m. to 8:30 p.m. | Live | From pool. |
| House District of Columbia Committee hearings on District of Columbia Junior Village | Jan. 27, 1971 | Jan. 27, 1971, 9 a.m. to 12:30 p.m. | do | Local. |
| | Jan. 28, 1971 | Jan. 28, 1971, 9 a.m. to 12:15 p.m. | do | Do. |
| Senate Armed Services Committee hearings on the draft | Feb. 2, 1971 | Feb. 2, 1971, 10 a.m. to 12 p.m.; 2:30 p.m. to 5 p.m. | do | EPRN. |
| | Feb. 4, 1971 | Feb. 4, 1971 10 a.m. to 12:30 p.m. | do | EPRN. |
| Gov. Nelson Rockefeller at the National Press Club | do | Feb. 4, 1971 1 p.m. to 2 p.m. | do | EPRN. |
| Apollo XIV splashdown | Feb. 9, 1971 | Feb. 9, 1971, 3:30 p.m. to 4:20 p.m. | do | From pool. |
| District of Columbia City Council hearings on consumer problems in the District | do | Feb. 9, 1971, 7:30 p.m. to 10 p.m. | do | Local. |
| | Feb. 10, 1971 | Feb.10, 1971, 10 a.m. to 2 p.m. | do | Do. |

Footnotes at end of article.

| Event | Date | Date and time of broadcast | Mode | Distribution |
|---|---|---|---|---|
| Washington Metropolitan Area Council of Governments meeting on freeway—subway impasse. | Feb. 16, 1971 | Feb. 16, 1971 7 p.m. to 8:30 p.m. | do | Do. |
| Senate Constitutional Rights Subcommittee hearings on data banks, computers, and the Bill of Rights. | Feb. 23, 1971 | Feb. 23, 1971, 10:15 a.m. to 1 p.m.; 2:30 p.m. to 4 p.m. | do | EPRN. |
| | Feb. 24, 1971 | Feb. 24, 1971, 10:15 a.m. to 1 p.m.; 2:30 p.m. to 6:30 p.m. | do | Do. |
| | Feb. 25, 1971 | Feb. 25, 1971, 10 a.m. to 1:30 p.m. | do | Do. |
| President Nixon's message on the state of the World | do | Feb. 25, 1971, 6 p.m. to 6:30 p.m. | Tape delay | Local (pool). |
| Senate Constitutional Rights Subcommittee hearings on data banks, computers, and the Bill of Rights. | Mar. 2, 1971 | Mar. 2, 1971, 10 a.m. to 12:30 p.m.; 2:30 p.m. to 6 p.m. | Live | EPRN. |
| | Mar. 3, 1971 | Mar. 3, 1971, 10 a.m. to 1:30 p.m. | do | Do. |
| | Mar. 4, 1971 | Mar. 4, 1971, 10 a.m. to 11:30 a.m. | do | Do. |
| President Nixon's press conference | Marl 4, 1971 | Mar. 4, 1971, 9 p.m. to 9:30 p.m. | do | Local (pool). |
| Senate Constitutional Rights Subcommittee hearings on data banks, computers, and the Bill of Rights. | Mar. 9, 1971 | Mar. 9, 1971, 10 a.m. to 1:15 p.m. | do | EPRN. |
| | Mar. 10, 1971 | Mar. 10, 1971, 10 a.m. to 1:30 p.m.; 2:30 p.m. to 4:30 p.m. | do | EPRN. |
| | Mar. 11, 1971 | Mar. 11, 1971, 10 a.m. to 11:45 a.m. | do | EPRN (contract). |
| Federal Communications Commission hearings on CATV | do | Mar. 11, 1971, 9:25 a.m. to 12:25 p.m.; 2 p.m. to 4:20 p.m. | do | Local. |
| | Mar. 12, 1971 | Mar. 12, 1971, 9:25 a.m. to 12:30 p.m.; 2 p.m. to 4:45 p.m. | do | Do. |
| | Mar. 15, 1971 | Mar. 15, 1971, 9:25 a.m. to 12:45 p.m.; 2 p.m. to 4:40 p.m. | do | Do. |
| Senate Constitutional Rights Subcommittee hearings on data banks, computers, and the Bill of Rights. | Mar. 15, 1971 | Mar. 15, 1971, 10 a.m. to 1:15 p.m. | do | EPRN (contract). |
| Secretary of State William Rogers' news conference | do | Mar. 16, 1971, 12:30 p.m. to 1:15 p.m. | Tape delay [3] | EPRN |
| Federal Communications Commission hearings on CATV | Mar. 18, 1971 | Mar. 18, 1971, 9:25 a.m. to 12:40 p.m.; 2 p.m. to 4:50 p.m. | Live | Local. |
| District of Columbia City Council hearings on consumer problems in the District | Mar. 30, 1971 | Mar. 30, 1971, 10:40 a.m. to 12:40 p.m.; 1:35 p.m. to 3:30 p.m. | do | Do. |
| District of Columbia City Council hearings on methadone registry and control of drug paraphernalia in the District of Columbia. | Apr. 7, 1971 | Apr. 7, 1971, 10 a.m. to 2:30 p.m. | do | Do. |
| Senator Barry Goldwater at the National Rifle Association convention | do | Apr. 7, 1971, 8:15 p.m. to 8:50 p.m. | do | Do. |
| District of Columbia City Council hearing on extended health care facilities | Apr. 13, 1971 | Apr. 13, 1971, 10 a.m. to 3:45 p.m. | do | Do. |
| CIA Director Richard Helms speaking before the American Society of Newspaper Editors | Apr. 14, 1971 | Apr. 14, 1971, 1:30 p.m. to 2:15 p.m. | do | Do. |
| Senator Henry Jackson speech and panel discussion before ASNE | Apr. 15, 1971 | Apr. 15, 1971, 1:30 p.m. to 2:15 p.m. | do | Do. |
| Senators George McGovern, Harold Hughes, Birch Bayh, and Hubert Humphrey speak at Press Club of Washington Dinner for ASNE. | Apr. 15, 1971 | Apr. 15, 1971, 10 p.m. to 10:50 p.m. | do | Do. |
| President Richard Nixon interviewed by a panel of editors at ASNE | Apr. 16, 1971 | Apr. 16, 1971, 9 p.m. to 10 p.m. | do | EPRN. |

[1] Broadcast May 1, 1970.
[2] 1-hour tape delay due to State Department resolutions.
[3] 1-hour delay required by State Department regulations.

## A TRAGEDY WITH A MEANING

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. LENT. Mr. Speaker, recently, I received a letter from a constituent of mine, Mrs. H. L. Mehr of Rockville Centre, N.Y. Mrs. Mehr wrote me of a tragic accident which occurred in her family. While Mrs. Mehr's story is both sad and heartbreaking, there is also a lesson to be learned from it.

Knowing my colleagues might like to share this note of compassion, I commend it to them here:

It never occurred to us that one day our son would go out in his car and that this would be his last day on earth. Only when we received a telephone call at 11 PM on December 30, 1969, did we realize that this does happen—Our only son of 25 was instantly killed in a bizarre accident on Route 3 in New Jersey, on a road with a small grassy divider of about 10 feet wide, and the scene of the accident was a section over a small rickety arched bridge. Our son was practically at a standstill in his car, when he was killed by a young fellow, driving a borrowed station wagon, who tried to pass a car on the right and in so doing jumped the divider, ripping the roof off of our boy's car and savagely killing him.

The last time we saw our Sandy was on Christmas Day. He was happy about plans for a ski trip. It was snowing that evening and we cautioned him about driving in bad weather. He drove a new car and had on seat and shoulder harness, carrying out all the things we have been told to do. Little did we know that the harness was to be his undoing, locking him to his seat, allowing no body reflexes. He could possibly have had a better chance without that harness—thrown to the floor, to the back of the car or out of the car—people have survived this way. But there was no escape as it was.

Observation by policemen arriving at various accidents indicates that whatever advantages are claimed for the shoulder harness, these are often outweighed by the disadvantages.

The vast majority of drivers do not wear the shoulder harness. They have an aversion to it, it is uncomfortable, it does not permit sufficient freedom and restrains the driver from necessary movement. The harness is controversial. The fact that Ralph Nader recently said ". . . the present seat belt-harness system could be replaced by a more effective restraint system . . ." indicates the necessity for further research.

The course of our lives was changed, the shock devastating, to lose at the brink of life, a son who would have graduated Law School within a few months.

We had occasion to see the driver of the death car, in court. Neither he nor any member of his family ever contacted us in the months before, at least to say something in sympathy. We walked over to him where he was seated in court. He did not turn his head to look at us. When we spoke to him and his female companion, they looked at us with a disdainful expression, the girl said "It could have been us instead of you."

We have nothing but praise for the sympathy, help and understanding of the East Rutherford Police Department. The Captain of Police sent us a personal letter. It helped, at least someone cared.

And the irony of it all—the other five people involved in the accident all jumped on the bandwagon, suing for everything they could get, instead of being thankful that they escaped with minor damage or injury. And the driver of the death car walked out free on a technicality.

We are shocked at the loss of over 44,000 men killed in Vietnam over a period of eight years, but what about the 57,000 killed and 5,000,000 injured in automobile accidents in the year 1969? Some so badly they will never again lead useful lives.

Yes, we are obsessed about automobile accidents which are of almost epidemic proportion. There is rarely a person we speak to who does not have some member of the family or friend involved in an automobile accident. All of the above was brought into sharp focus when we read a news item of December 14, 1970, with its headline "Auto Deaths Drop Sharply, Safety Advocates Credited." Actually, close reading of the report did not present as encouraging a picture of highway safety as the headline would have us believe. The illusionary statistic that "2% fewer people will die on the highways" is not a sharp drop. The projected figure of 55,300 deaths for 1970 which mentions nothing about the injured, is not a victory for the safety advocates. Yet the news release is promoted with such zeal, that the real problem is lost in the rush to concentrate on a safer car. But the only real answer lies in better drivers. The kind of driver who keeps accidents from happening.

Groups headed by Ralph Nader feel that the car itself should be concentrated upon to decrease accidents. While this is important it seems to us that it lulls the driver into a false sense of security when he feels this "better crash packaged car" fortified with the latest improvements in equipment, will lessen the effects of an accident. Statistics show that less than 5% of accidents are due to faulty car equipment, the remaining 95% are caused by the driver himself.

There is a simple and direct way to approach the problem of highway safety: 1) Tougher penalties by the Courts for the speeder, and the drunk driver, particularly when an accident has resulted in death. Make the laws so stringent that the driver would be ever conscious of the dire consequences of any violation. 2) Lowering of speed limits to a maximum of 55 miles per hour. Only a few years back, the maximum speed limit for New York State was 50 miles per hour.

We are told about realistic speeds, taking into account the particular highway or thruway, but the record of dead and injured calls for a re-evaluation of such speed limits. This should receive top priority.

With lowered speed the driver will still get to his destination, even if it be a little later. Driving must now be considered not how fast we can get there, but how safe we can make it.

The attached report is dedicated to our

son and others who have suffered similar loss. We don't want to happen to others what happened to our Sandy.

Mrs. HERMAN L. (EMILY) MEHR.

Mr. Speaker, the problem of safer conditions for the driver and passenger of the cars on our roads poses many questions. We have detailed and analyzed herein the various components that should aid the cause for safe driving and a reduction of highway fatalities and injuries:

SPEEDING

Stricter laws together with tighter enforcement of the laws will curb the speeder. Too much leniency is shown the speeding driver. In New York State for example, it is only after three violations in an 18-month period that the court begins to crack down and the driver's license suspended. This should be changed. The driver who exceeds the posted speed limit, no matter to what extent, should be fined in an increasing amount for every mile above the speed limit. On the second offense the driver should have his license suspended for a month, in addition to a fine. The 18-month period should be cut down to 12 months.

It is common practice to allow up to 5 to 8 miles over the posted speed, perhaps to assure a tighter case against the speeder. This is not the way the law is written. There should be no such differentials and this should be taken into consideration when fixing speed limits. Bad weather, slippery pavements, and poor visibility are handicaps to safe driving. Under such circumstances, a maximum speed limit does not mean that the driver can always travel at the posted speed—night driving and poor weather are the cause of many accidents, speed must be reduced accordingly.

Bermuda, for example, although a small community with different problems, suspends licenses for periods of 3 to 6 months for speeders and drunk drivers with fines of $200 or more on first offense, depending on severity of violation. Similar penalties could very well apply here. This would be sufficient warning to other would-be speeders with the resultant decrease in highway accidents.

The relationship of speeding to automobile accidents was brought out sharply on Long Island by the State parkway police, who for a number of days gave out summons on the parkways for even 1 mile above the speed limit. During this period accidents were virtually eliminated.

Under Connecticut law, the license is automatically suspended for a first speeding offense. New Jersey has a similar law for operating at a speed of 60 miles per hour or greater where speed is 50 miles per hour

Many roads were designed for speed limits of 50 miles per hour and this was the maximum speed for New York State. This was changed in 1970 to 55 miles—60 miles, considering allowances—which should be the absolute maximum. Most people are not geared either mentally or physically to control their car at high speed. Yet under the guise of "realistic speed" limits are raised to speed up traffic. With more and more cars on the highways each year, there will be no plateau on speed. It is the lawmakers who should be realistic and realize that the higher the speed the greater the accident rate. Over half of accidents are caused by the speeders themselves.

The Big Three auto manufacturers have agreed to stop making racing models in order to deemphasize speed. Cars bearing such names as Spitfire, Tempest, Firebird, Fury, Charger which connote bursts of speed tend to have a subliminal effect on the driver. Speeders can be curbed by discontinuing the manufacture of cars whose main attraction is speed.

ALCOHOL, DRUGS, AND THE DRIVER

This is one of our most serious problems and present laws are not sufficient deterrents for the drunk driver. A conviction for driving under the influence of alcohol in New York State calls for mandatory suspension of license for 60 days for the first offense, and 120 days for the second offense within 3 years. These penalties should be doubled and upon a third offense, the license should be revoked if found guilty. Similar penalties should apply to the drug addict.

The National Highway Traffic Safety Administration recommends that a drunk driver be declared legally "drunk" at 0.10 percent blood alcohol. However, many States, for example Missouri, a person is not considered drunk until blood alcohol reaches 0.15 percent—that is dangerously high. In effect under such circumstances "drunk driving" is legal.

FATAL ACCIDENTS

A distinction should be made between accidents involving person or property and accidents in which a fatality has occurred. The law should be changed so that a driver involved in a fatal accident should be taken into custody directly following such accident pending an immediate hearing. This is to protect the safety of other drivers. Facilities could be made available for such a hearing and if the driver is held over for trial he should be required to post sufficient bail to insure his presence at trial.

The whole process including grand jury action should take place in the shortest possible time. Dilatory tactics should be discouraged. Means should be found to minimize undue delay in reaching trial date. It is unfortunate that many of these death drivers are usually represented by astute courtroom lawyers with the result that the driver in many instances walks out free on a mere technicality.

If the driver is found guilty of vehicular homicide, he should suffer the penalty of mandatory revocation of his license in addition to fine and imprisonment, sufficient to be an example to other drivers.

The driver who violates the traffic laws is in a different category from the criminal who commits a crime against person or property. As the holder of a license to drive he agrees to abide by the rules and regulations of the department of motor vehicles. A license to drive is a privilege conferred by the State and the State must make certain that the driver is at all times worthy of that privilege. Therefore on any traffic violation or disregard of the rules of the road, the driver must accept the consequences and be punished within the full provisions of the law. In some cases, the permissive attitude of the court allows drivers to get off with a minimal penalty. The heavy court calendars also contribute to the problem.

A step toward decreasing automobile accidents is the proposal put forth by the National Safety Council—mandatory appearances for all moving violations. It will inconvenience many drivers but will cut down the accident rate.

DRIVER RESPONSIBILITY

The driver who uses tranquilizers and certain cold remedies should be carefully guided by his family physician in the use of such drugs while driving. Pharmaceutical reference material warns against driving after taking drugs that impair ability to drive.

Also, there is the driver who uses his car as an emotional outlet, getting in the car and dashing away to get rid of his phobias or the driver who weaves from one lane to another, cutting off other drivers. To them this seems to be the sporting thing to do. Many movies, books and television often glorify the grandiose behavior of the younger generation, practically putting a premium on speed, giving it a sort of psychological and romantic quality, as depicted in a recent best seller. As long as the public, especially the youth, are exposed to such material, the cause of safety will suffer.

DRIVER TESTS

Age 18 should be the minimum age for a driver's license. The 17 to 25 age group are involved in over a third of fatal accidents. Driving tests should be supplemented with a driver's education course. Present laws permit a driver to retain his license for life without ever reporting in person to the department of motor vehicles. This law should be changed so that the driver reports in person every 3 or 5 years, for a written examination, as well as a new driving test. Certain personality traits would be observed during these visits as well as any obvious physical problems. A modest fee could be paid to defray the expenses of this new procedure.

Lectures and films, particularly of accidents, should be part of the program at the department of motor vehicles. The problem of the defensive driver who has no chance against the driver who wants to be "king of the road" and aggressive drivers, should be schooled in self discipline.

SAFER ROADS

Crossover crashes are a major cause of fatalities, killing the innocent. Dividers should be constructed so that this type of accident does not happen. St. Louis has taken the initiative, building a concrete abutment on a well traveled highway to prevent cross-over accidents. While work is underway for a safer divider on New York's Long Island Expressway, no overall plans have been made. The London Transport ministry has stated that by 1975 the entire British motorways network would have metal dividers of proper height, regardless of cost. It is urgent that we follow this plan and consider it as top priority.

Maximum speed signs should be posted on overhead bars instead of at the side

of the road, where they are not conspicuous enough to be seen by the drivers. Such signs should also be placed at closer intervals.

The condition of our roads presents a very serious safety problem. Many are old and unable to withstand the current traffic load. Some have been constructed of poor quality material, causing early deterioration and wear down to a slick surface making it particularly hazardous in wet weather. In many cases resurfacing is too thin for safe driving. A safer and lasting road should have a solid concrete base with a dense overlay of asphalt and well drained subgrading to prevent cracking of the concrete.

Many of our thruways, parkways and expressways were built years ago without projecting the enormity of increased traffic. Roads in many areas do not have acceleration lanes, an added outside lane of a highway to accept incoming traffic. It is hazardous to get on such parkways and to wait at a stop sign to enter requires sheer bravery.

All roads should be patrolled by crews of auxiliary police, given the power to issue summons for traffic violations. Members of the regular police force are just not sufficient in numbers to patrol the highways.

SAFER CARS

Inspection of cars should be under direct supervision of the New York State department of motor vehicles with their own inspection stations and their own personnel instead of the present system of private garages. This will assure experienced and unbiased inspection.

While automobile manufacturers are working toward safer cars with improvements of stronger car tops, reenforcement of car doors, shock absorbing front and rear fenders of uniform height, such improvements will not be under way for a few years. The shoulder harness is controversial and should be replaced as a safer and, more effective system. It is too restrictive and in the case of certain types of accidents. It is actually a contributing factor to fatalities. And it is for this reason many drivers are averse to using it. The Department of Transportation found that only 30 percent of auto occupants use the present lap belts and 5 percent use the shoulder harness.

The most recent safety standards by the Department of Transportation calls for a front seat "passive" restraint system such as the air bag by July 1973 and full protection for all occupants by 1975. These restraints together with contoured seats, energy absorbing padding or other cushioning devices can provide protection in various types of accidents, say the Federal experts.

It may be that with these new restraints, at least the use of the shoulder harness will be found unnecessary. From interviews with drivers in various areas, we have found that they avoid these belts not because of apathy or carelessness, but rather because of a natural protective attitude of self preservation—not to be locked securely in a car colliding in any unorthodox manner.

A recent item reported that preliminary crashability tests on three groups of cars at a 5 mile per hour testing speed by the Insurance Institute for Highway Safety, indicated that 1971 cars have not improved much over 1969 and 1970 in fact they are not as safe. They have the same "glass jaws" as their predecessors, and the same bendable fenders and teacup grills. In the campaign for safer cars, we should not overlook the fact that in the 1950's and 1960's automobiles had bodies of heavy gage metal. Cars coming out of the assembly line today are constructed of a lighter gage metal with an alloy and are more crumple prone.

The sale of used cars leaves much to be desired from a safety standpoint. Cars are traded in by the driver who purchases his car every few years to keep up with the new models and those who turn in their old models with high mileage and mechanical troubles. It is the latter type of used car that may well be a menace on the road. Yearly issuance of inspection stickers is not enough protection to the public against such cars. Since safety groups focus their attention on the better packaged car, there are defects the public should be aware of when purchasing a used car, either from the franchised dealer or "Joe's Used Car Lot" or even the private seller. The independent carlot often gets them from the wholesaler who buys "rejected cars" from the franchised dealer or sometimes an insurance company which has taken over a car involved in an accident.

The franchised dealer selling new cars makes it a practice with his used car lot not to accept cars over 5 years old. They get rid of the car in bad shape and sell it to the wholesaler. The franchised dealer with his own crew of skilled mechanics, has too much at stake to palm off bad cars that would reflect on their new car sales.

With the mushrooming of thousands of independent carlots, some of them in and out of business, the quality and safety of such used cars is lowered to a precarious level. A Midwest State inspection of the older car, pre-1963 models, had the highest percentage of failures. Many of the people who purchased such cars are of the younger generation and foreign born and are easily taken in by some of these dealers.

SUMMARY

The only way we can effectively raise the skill level of the driver is through concerted and continuing national educational campaigns on television and other mass media by means of graphic illustrations and other devices.

We have traveled the New York highways and cannot help but notice the inherent dangers always present on the roads. Drivers rarely adhere to posted speed limits. The right lane is no longer a refuge for people who do not wish to speed up to 55 miles per hour. We know of people who slow down to 50 miles per hour and they have received a summons for impeding traffic. Where is the conservative driver supposed to go? We are told the service roads but even here speeds are exceeded. What has been said about the New York State area can very well apply to the country at large.

One method of getting the message of highway safety to each and every driver throughout the country would be a sticker-type poster in color, large enough to be noticed, mailed out by the Department of Motor Vehicles. The following is an idea of what could be stated:

WARNING

Do Not Exceed the Posted Maximum Speed Limit on the Roads Through Which You Drive.

You Must Consider and Respect the Rights and Safety of the Other Driver.

Speed Limits Must Be Obeyed Under Penalty of Fine, Imprisonment or Both.

The same effort that was expended in the campaign against cigarettes should be expended on this vital problem, which deserves as much if not more attention.

There is too much apathy and procrastination in implementing improvements for safe driving. The lives of millions of people depend upon action. It is unfortunate but it almost seems as though you have to have it happen to you before you become impressed with the staggering toll exacted in highway accidents.

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## A PRESIDENTIAL MEDAL FOR A MOST DISTINGUISHED PUBLIC OFFICIAL

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## HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. SNYDER. Mr. Speaker, on June 10, 1971, in a ceremonial in one of the offices at the Pentagon there was formally bestowed a Presidential Medal of Honor, on a most distinguished soldier-citizen. Reference is made to Lt. Gen. Walter P. Leber, who recently concluded his term as Governor of the Canal Zone and President of the Panama Canal Company—the last post embracing the operation and maintenance of the Panama Canal.

Among the high-ranking officials present were the following: Secretary of the Army Stanley R. Resor, Undersecretary of the Army Thaddeus R. Beal, Chairman of the Board, Panama Canal Company, Deputy Under Secretary of the Army, David H. Ward, Vice Chief of Staff, General Bruce Palmer, Jr., other general officers of the Department of the Army General Staff.

The medal was handsomely designed, beribboned and inscribed; accompanied with a citation, then read, testifying to the splendid services rendered by Governor Leber during his recently completed term as Governor of the Canal Zone and President of the Panama Canal Company. The duties of the first-named post are self-explanatory.

The citation sets forth in sufficient detail the outstanding labors of Governor Leber—performed with great efficiency under conditions that were in many ways difficult.

In truth, the services he rendered were of the most efficient character, and from what I can learn, I would be fully justified in declaring him unexcelled in the discharge of the duties so involved. By all tests, the honor was richly merited.

Among those present, were a few civilians—including members of the Leber

family and former Congressman Maurice H. Thatcher of Kentucky and sole surviving member of the Isthmian Canal Commission which had supervision of the construction of the Panama Canal. To him, I am indebted for furnishing me the general details of the occasion and a copy of the citation and the biographical sketch. I have deemed the event to be of praiseworthy value, entitling it to a place in the CONGRESSIONAL RECORD.

I am including as a part of these remarks, the indicated citation and a biographical sketch of General Leber as it appears in the 1969–71 issue of "Who's Who in America."

The material follows:

CITATION

The President of the United States of America, authorized by Act of Congress, July 9, 1918, has awarded the Distinguished Service Medal to Lieutenant General Walter P. Leber, U.S. Army, exceptionally meritorious service in a position of great responsibility:

Lieutenant General Walter P. Leber, (then Major General), United States Army, distinguished himself by exceptionally outstanding meritorious service while serving as Governor of the Canal Zone and President of the Panama Canal Company during the period February 1967 to March 1971. As Governor, appointed by the President of the United States with advice and consent of the Senate, General Leber was charged by law with the official control and jurisdiction of the Canal Zone. This included governing a community of 41,000 U.S. citizens and 9,000 non-U.S. citizens living within the confines of the area. General Leber directed the law enforcement agencies, fire fighting units, public schools, hospital services, postal services and the many other activities that function under the auspices of the Government of the Canal Zone. General Leber took an intense personal interest in the functioning of each of these different areas of the Canal Zone Government and during his term of office, there was considerable progress made in many aspects of government. As President of the Panama Canal Company, it was General Leber's considerable responsibility to manage the operation of one of the world's most important waterways. Reporting directly to the Secretary of the Army and responsible to a Board of Directors composed of many distinguished U.S. citizens both in and out of the U.S. Government, General Leber supervised a work force of 16,000 people operating night and day to keep the vital link between the Atlantic and Pacific Oceans open to the maritime traffic of the world. During the period of time that General Leber was President of the Company, he directed major engineering changes which significantly improved the safety of canal passage. He also was instrumental in developing a comprehensive long term plan which will ultimately assure that the canal's maximum capacity can be realized without interference to operations. As Governor of the Zone and President of the Panama Company, General Leber demonstrated a sincere interest in improving employee-management relationships. The notable improvement in this important area during the time General Leber was in the Canal Zone attests to the marked success that he achieved in these relationships. Throughout his four year term as Governor of the Canal Zone, General Leber demonstrated outstanding ability to lead the Canal Zone Government and Panama Canal Company in their highly successful operations. He consistently brought to this task a dedication and understanding that can be characterized as unique and outstanding. His professional competence and distinguished preformance of duty are in keeping with the most cherished traditions of the military service and reflect great credit on him, and the United States Army.

BIOGRAPHICAL SKETCH

Leber, Walter Philip, army officer: b. St. Louis, Sept. 12, 1918; s. Walter and Bonnie Vera (Blackman) L.; B.S., Mo. Sch. Mines, 1940; M.B.A., George Washington U., 1961.; grad. Command and Gen. Staff Coll., 1956, Indsl. Coll. Armed Forces, 1958; m. Bernice Jean Palus, Sept. 9, 1950; children—Randolph Frank, Bonnie Gay, Philip Kevin. Petroleum engr. Stranolind Oil & Gas Co., 1940–41; commd. 2d lt., C.E., U.S. Army, 1941, advanced through grades to maj. gen., 1967; comdr. engring. troops 2d Inf. Div., 1941–42; mem. faculty Engrs. Sch., Ft. Belvoir, Va., 1942; assigned Office Chief Engr. and Advanced Sect. Communications Zone, ETO, 1942–46, Manhattan Engr. Dist., Oak Ridge, 1946–47; chief tech. div. mil. liaison com. AEC, 1947–49; asst. dist. engr., exec. officer Seattle and Walla Walla dist., C.E., 1949–50; comdr. 46th Engr. Battalion, Ft. Sill, Okla, 1950–51; assigned gen. staff logistics Dept. Army, 1951–55; dep, engr. 8th U.S. Army, Korea, also comdr. 2d Engr. Group, Korea, 1956–57; exec. officer to chief engrs. U.S. Army, 1958–61; lt. gov. C.Z., v.p., dir. Panama Canal Co., 1961–63; div. engr. Army Engr. Div., Ohio River, 1963–66; dir. civil works Office Chief Engrs., United States Army, Washington, 1966–67; gov. Canal Zone, pres. Panama Canal Company, 1967—. Chairman of the gov. C.Z. Council Vol. Giving, 1961—. Mgmt. com. Balboa YMCA; exec. bd. C.Z. council Boy Scouts Am.; trustee, exec. com. C.Z. United Fund. Decorated Legion Merit with 2 oak leaf clusters, Bronze Star medal. Army Commendation with oak leaf cluster; Order British Empire; L'Orde de Leopold II (Belgium). Registered profl. engr., D.C. Mem. Soc. Am. Mil. Engrs., Tau Beta Pi, Phi Kappa Phi. Episcopalian. Home: Gov's House, Balboa Heights. Office: Balboa Heights, C.Z.

My especial interest in this subject is induced, in large measure, by the fact that before General Leber was assigned to his Isthmian task, he served from May 1963 to July 1966 as Chief of the U.S. Engineering System for the Ohio River and its north and south tributaries throughout. For many miles, the Ohio River marks the northern boundary of my congressional district, and throughout the great valley of the Ohio, extending from the Golden Triangle at Pittsburgh during its 1,000-mile course of the river to its contact with the Mississippi at Cairo, Ill., it traverses the greatest industrial and agricultural valley in the world, a part of which I represent in this Chamber.

All in all, General Leber has had a most responsible and efficient career of public service. On leaving the Canal Zone, under presidential appointment, he became manager of the U. S. Army Safeguard System, a post of paramount importance to the defense and security of our Nation. His life and deeds are truly inspiring and worthy of all emulation.

## NEW SPACE ERA OPENS

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. TEAGUE of Texas. Mr. Speaker, an editorial in the Houston Chronicle, Wednesday, June 9, 1971, advises that we as a nation should examine carefully the latest Soviet space achievements. The successful operation of a Soviet space station is now underway. As the Houston Chronicle editorial so well points out the utility of this Soviet space station is significant. If we are to achieve the promise of space, in which we have already invested a substantial effort, we would do well to heed this editorial. The editorial follows:

NEW SPACE ERA OPENS

With the success of its manned orbital space station, the Soviet Union has opened up a new and fertile field of space exploration. And it should cause Americans, especially members of Congress, to reappraise our own future in space.

This is the first time so large and commodious a craft—it weighs a total of 25 tons—has been orbited around the planet. Three Russian cosmonauts are aboard.

According to announcements from Moscow, the cosmonauts spent their first day abroad the craft performing scientific chores ranging from medical and biological research to navigation.

Unlike earlier space flights, the cosmonauts have plenty of room in which to operate. The Soyuz-Salute station is 65 feet long and 12 feet across and about as big as a railway car.

There's more involved here than space competition with the United States. Manned orbiting stations will vastly improve man's ability to observe the stars, to chart the Earth's weather, to make maps, to observe our planet from a new perspective. It will give researchers a zero-gravity environment in which to process materials in new ways. It will afford scientists a space vacuum for engineering studies. It will permit doctors to observe the long-term affect on man of weightlessness.

While the United States easily beat the Soviets in the race for the Moon, they are easily ahead of us in the development of space stations.

We do have some similar programs in the works—but these projects are two to ten years away from execution.

The U.S. Air Force once worked on a manned orbiting laboratory (MOL), the first flights of which would be taking place now had not President Nixon overridden his advisers and killed the project in June, 1969.

We have a Skylab program in the works which is similar to the current Soviet endeavor. Three Skylab missions are projected for 1973. Apollo spacecraft will take three successive teams of three astronauts to rendezvous and dock with the orbiting Skylab. The first team is expected to stay aboard for 28 days, the two other teams for 56 days. Once this project has been completed, however, it's over. No follow-through is being planned.

By far the most ambitious and the most costly U.S. program in the planning stage is the multi-billion-dollar space shuttle which, if financed by Congress, might put as many as 50 astronauts and scientists on a space station by the 1980s. They would travel by reusable space craft that would fly back and forth between Earth and space many times, at costs only a fraction of the cost of one-time-only rockets.

This latest Soviet triumph should cause Congress to take another look at its lukewarm support of the U.S. space program. Our space successes have been more spectacular than the Russians', but we're now losing our momentum while the Soviets keep moving along. They currently devote four times as much of their gross national product to space as we do—2 percent of their GNP compared with .5 percent of ours.

## FEBRUARY 28, 1947: A FORMOSAN TRAGEDY

**HON. DONALD M. FRASER**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. FRASER. Mr. Speaker, the people of Formosa have in this century played only a very minor role in the governance of their island. Until 1945, Japan was the benign colonial master of Formosa. Since the defeat of the Japanese in World War II, Formosa—or Taiwan, as its current masters call it, hoping to wipe out evidences of previous non-Chinese involvement in the affairs of the island—has been ruled by an oppressive dictatorship. I described the present situation in detail in a paper "Political Repression in Free China" reprinted in the August 28, 1970, CONGRESSIONAL RECORD.

Most are familiar with the flight of the Chiang Kai-shek entourage to Formosa in 1949, leaving the mainland under the control of the Chinese Communists. Many do not know of a previous bloody invasion of Formosa by Chiang Kai-shek troops. This occurred in 1947. It is remembered by Formosans in conjunction with the "two-twenty-eight" or February 28 incident in which police killed four demonstrators. Ultimately over 10,000 Formosans were massacred by the Nationalist Chinese. It is the most bloody of the misfortunes that have befallen the people of Formosa since the U.S. Pacific war ended in 1945.

The events which occurred on Formosa in February–March 1947 explain in part Taiwanese nationalism described by April Klimley in a May 21, 1971, Christian Science Monitor feature story. Although almost 25 years have passed, Formosans have continued to be the "Pawn of the Orient." Peter H. Prugh, in his June 10 Wall Street Journal article, indicates that the situation of the Formosans has improved since February–March 1947 but, "The people who live there have not had much to say about their destiny."

Mr. Speaker, these materials on Formosa illustrate what happens when a people are denied fundamental democratic rights. But bloody repression and continuing denial of civil liberties cannot forever stifle the human desire to help determine the collective destiny. We must improve our relations with the Peoples Republic of China. But we must not forget the people of Formosa.

I include the material as follows:

[From *U.S. Relations With China,* 1949 ("China White Paper"), Department of State, pp. 307–310 and pp. 923–938]

### XI. FORMOSA

The case of Formosa is a pertinent one in the record of American efforts to encourage reform within the Chinese Government. By the terms of the Cairo Declaration of December 1, 1943, the United States and China declared their intention that Formosa should be restored to China. In September 1945 the administration of the island was taken over from the Japanese by Chinese forces assisted by small American teams pursuant to the Japanese Instrument of Surrender and General Order No. 1 issued by the Japanese Government at the direction of the Supreme Commander for the Allied Powers, dated September 2, 1945.

China found Formosa in favorable circumstances since Japan had made constructive use of the great natural resources of the island and the living standards of the population were higher than anywhere on the Chinese mainland. It possessed a good industrial complex and was more than self-sufficient in foodstuffs. The native population for 50 years had been under the rule of a foreign invader and therefore welcomed the Chinese forces as liberators. During the Japanese occupation the principal hope of the people had been reunion with the mainland. Instead of utilizing this highly favorable situation to its own advantage the National Government appointed to the governorship General Chen Yi, a long-time associate of the Generalissimo, who some years before had given up the governorship of Fukien under curious circumstances. The new Governor arrived with an imposing retinue who proceeded with great efficiency to exploit Formosa. In addition the local population was ruthlessly excluded from any important role in public life and was made to feel that it was again under the rule of a conqueror.

The economic deterioration of the island and the administration of the mainland officials became so bad that on February 28, 1947, popular resentment erupted into a major rebellion. In the ensuing days the Government put down the revolt in a series of military actions which cost thousands of lives. Order was restored but the hatred of the mainland Chinese was increased.

After the rebellion the American Ambassador in Nanking attempted to persuade the Generalissimo that National Government tactics in the long run could never succeed and that the Government by its policy was destroying a source of wealth it desperately needed at that time. The Generalissimo, who professed to be unaware of conditions as they were reported to him by the Ambassador, and who relied on the findings of a Chinese investigating mission whose findings were in large part published and exonerated Chen Yi, was led to request that a memorandum be prepared for him setting forth in detail conditions as American officials saw them. This was done.[1]

The facts set forth were such that General Chen Yi had finally to be relieved of his post as Governor, and in May 1947 a civilian, Wei Taoming, former Ambassador to the United States, was named as his successor. During the ensuing year and a half, Governor Wei made an honest and earnest effort to remedy the situation. The military was kept out of sight, some Formosans were taken into the Government, encouragement was given to the local economy and the Governor himself attempted to isolate the island from the inflationary and destructive forces on the mainland, though many of the key officials were not responsive to his authority. Although it cannot be said that economic conditions improved, it can be said that the situation did not become measurably worse.

During his Mission to China, General Wedemeyer on August 17, 1947, reported to the Secretary of State as follows:

"Our experience in Formosa is most enlightening. The administration of the former Governor Chen Yi has alienated the people from the Central Government. Many were forced to feel that conditions under autocratic rule were preferable. The Central Government lost a fine opportunity to indicate to the Chinese people and to the world at large its capability to provide honest and efficient administration. They cannot attribute their failure to the activities of the Communists or of dissident elements. The people anticipated sincerely and enthusiastically deliverance from the Japanese yoke. However, Chen Yi and his henchmen ruthlessly, corruptly and avariciously imposed their regime upon a happy and amenable population. The Army conducted themselves as conquerors. Secret police operated freely to intimidate and to facilitate exploitation by Central Government officials. . . .

"The island is extremely productive in coal, rice, sugar, cement, fruits and tea. Both hydro and thermal power are abundant. The Japanese had efficiently electrified even remote areas and also established excellent railroad lines and highways. Eighty percent of the people can read and write, the exact antithesis of conditions prevailing in the mainland of China. There were indications that Formosans would be receptive toward United States guardianship and United Nations trusteeship. They fear that the Central Government contemplates bleeding their island to support the tottering and corrupt Nanking machine and I think their fears well founded."

In January 1949, as the Communists were preparing to cross the Yangtze, Governor Wei was summarily removed and replaced by General Chen Cheng, who proceeded to restore military rule. In recent months the population of Formosa has been increased by an estimated 400,000 civilians and over 300,000 military refugees from the mainland. With them they brought the mainland inflation and increased the population to a point which the island may not be able to support. In March 1949 American officials who had surveyed the economic deterioration reported that "mounting economic dislocation will intensify economic friction leading to increased political tension unless remedial action is taken."

In summary, the views of American officials have been that the island is badly and inefficiently run at a time when the best possible efforts are needed unless developments on the mainland are simply to be transferred to Formosa.

*Memorandum on the situation in Taiwan*[2] *background*

The Formosan Chinese greeted the surrender of Japanese authority to the Chinese with immense enthusiasm on October 25, 1945. After fifty years under Japanese control and intensive economic development they welcomed a return to China, which they had idealized as the "Mother Country." The richness of the island and the relatively light population pressure had made rapid economic and social developments possible. Agriculture, food processing and light industry in the best years produced an overseas trade valued at U.S. $225,000,000. To improve Taiwan's economic value the Japanese had raised the general standard of living. Public health standards were high and literacy widely spread among the masses. Formosans had come to place a high value on orderly procedures in the courts and on the orderly enforcement and observance of government regulations, for they found order both profitable and necessary in a complex and semi-industrialized economy.

With the removal of the Japanese the Formosans looked forward to a return to profitable trade and an expansion of their already established industries, with the markets of China ready to receive all that they could produce. The surpluses which had always gone to Japan would now, they thought, go to China. They expected to return to control of the properties taken from them by the Japanese through fifty years and expected a larger share in the management of their own enterprises. Under pressure of the Japanese overlords who were alien to Taiwan, they had developed an island-wide sense of social solidarity. They were free of all internal political strife. The Japanese had rigorously excluded all Communist influence and activity.

[1] For text of memorandum to the Generalissimo, see annex 169.

[2] Submitted by Ambassador Stuart to President Chiang Kai-shek on Apr. 18, 1947.

and had indeed filled the people with fear, dislike and distrust of Communist doctrines. They revered the Generalissimo, believed the Three People's Principles meant new opportunities, and look forward expectantly to participation in the Central Government. The year 1946 was one of increasing disappointment. Though the majority of petty officials, clerks and office boys of the new Administration were Formosans, they were virtually excluded from all important government offices and from important administrative posts. The legal necessity to place all confiscated Japanese properties and enterprises under Government control led to the creation of syndicates and combines in every field in which the Japanese had had an interest. Though the Government owns (and must heavily subsidize) these companies, the salaried and privileged administrators are in a position to squeeze freely. It is alleged that raw and finished materials and agricultural products find their way into the hands of unscrupulous officials for their use in private trading and smuggling. Judging from Taiwan's former capacity to produce and the fact that its enterprises continue, qualified Formosans estimate that published records show only one-tenth of actual receipts. As an example, it is alleged by persons formerly connected with the Department of Agriculture and Forestry that fishing boats were withdrawn from their normal bases in 1946 and were used for smuggling in the interests of the authorities concerned.

Formosans have been virtually excluded from the higher levels of economic administration. These persistent allegations of corruption lead them to place responsibility on members of the Government who appear and reappear in lucrative posts as Commissioners, members of Committees, and Directors in a manner which concentrates full control of the total economy in the hands of a clique close to the Governor.

There was a progressive decline in Formosan economic enterprise, especially where there was competition with ex-Japanese interests. Unemployment among Formosans has progressively increased, either through direct discharge (frequently to make room for unqualified newcomers) or by the suspension or abolition of various established enterprises which failed to be profitable under the new management. Whereas about 50,000 Formosans had been employed normally in industrial work, by January 1947 UNRRA officials estimated that less than 5,000 were so employed. Whereas the top government officials created a Taiwan Industrial and Mining Enterprises Syndicate with a capital of two billion Taiwan yen, in which the Commissioners and their associates play leading roles, the Department of Mining and Industry announced an appropriation of only eight million Taiwan yen for loans in aid of private (i.e. Formosan) industrial enterprises after June 1946.

The Quarantine Service broke down and the Public Health Service was badly shattered. Cholera epidemics occurred for the first time in about 30 years; bubonic plague appeared after an even longer absence. Educational standards in the schools were markedly lowered Friction spread through the schools between Formosans and mainland students and teachers. Trouble between mainland police and local petty officials increased. The press was filled with public charges and counter-charges of corruption and lawless acts among government officers. Formosans claimed that corruption and nepotism among mainland officials increased rather than abated during the year. The cost of living soared. Bank of Taiwan wholesale commodity price indices show advance as follows from November 1945 to January 1947: foodstuffs 3,323 to 21,058; clothing 5,741 to 24,483; fuel 963 to 14,091; fertilizers 139 to 37,559; building materials 949 to 13,612. (Pre-war June 1937 is used as a basis.) Prices shot up most rapidly during February 1947. These figures on the whole reflect the drain of Taiwan wealth from the island, with little or no return to it.

Although the two rice harvests of 1946 were good, a rice shortage grew acute December 1946 and January 1947. The Government instituted a tax in kind on rice lands, ostensibly to secure an equal distribution, and repeatedly threatened to use military force to punish private hoarders which it blamed for the shortages. In fact there is substantial evidence to support the Formosans in their charges that large quantities of grain were smuggled out or went into private control of officials. It is popularly believed that the army is shipping unpublished quantities to the northern front on the mainland.

*Three governmental acts*

Against this background of increasing economic and social dislocation three governmental acts in January and February appear to have crystallized Formosan resentment toward economic policies and toward individuals in the Government (1) Throughout 1946 Formosans sought permission to elect city mayors and hsien magistrates, in order to ensure themselves of some direct control over local police and over economic functions and public services. The announcement of China's new Constitution was greeted with relief. Prominent Formosan leaders counseled that demands for local elections could wait until the Constitution would become effective at the end of 1947. In early January, however, the Governor General announced that although the Constitution would be effective on the mainland on December 25, 1947, it would be impossible for the Government to allow local elections of mayors and magistrates in Formosa until December 1949. This had an effect which stirred political discussion to a new pitch. Formosans state that until they can elect their own representatives at all levels of local government they will have no security of person; they cannot control the local police, ensure the enforcement of law nor enjoy security of property.

(2) On February 1 the Government announced a new policy for the disposal at auction of certain large categories of Japanese property—principally real estate abandoned by the Japanese and now occupied by Formosans on a low rental basis. The announced procedures were such that it was widely believed that Formosans without great wealth and its influence would be unable to buy real estate which they had believed would be available, especially in view of the fact that it had been taken from them more or less forcefully by the Japanese over the course of fifty years.

This announced procedure was interpreted as a threat to the security of low-income level Formosans who, having lost their former homes during the war, are not anxious to face eviction from houses now occupied if, as they anticipate, new mainland landlords should suddenly greatly increase rentals. (Rental is the one item in living costs which has not risen excessively since 1945, due to the removal of several hundred thousand Japanese.)

(3) The third governmental act was a February 14 announcement of a series of complex financial and trading regulations which Formosans believed effectually concentrated monopoly control in the hands of a small group of officials. It is believed by some observers that these were announced precipitously and rashly in the belief that the crisis in Shanghai was about to provide an opportunity long awaited to establish a semi-autonomous economy for Taiwan, giving into the hands of a few mainland people an absolute control of all external trade and a general control of internal production and business as well.

As an island people, Formosans have been sensitive to overseas trade, and after the Japanese surrender they anticipated the reestablishment and expansion of seaborne commerce. They had proposed to organize their capital for production and individual business, out of which they had expected to be taxed in support of the Central Government and of the local island administration. These new measures seemed to the Formosans not only a threat to return them to the subservient position they had suffered under the Japanese, but to threaten to destroy the very means to create wealth within the island.

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THE FEBRUARY INCIDENT

*Spontaneous protest and unorganized riots*

On the evening of February 27 certain armed Monopoly Bureau agents and special police agents set upon and beat a female cigarette vendor, who with her two small children, had protested the seizure of her small cash as well as her allegedly untaxed cigarettes. She is reported to have died soon after as a result of the beating at police hands. An angered crowd set after the agents, who shot at random, killing one person before they escaped into a civil police station. Their Monopoly Bureau truck and its contents were burned in the street, although the agents were allowed to be taken away, on foot and unmolested from the police station by military police called for that purpose.

On the morning of February 28 a crowd estimated at about 2,000 marched in orderly fashion from the area in which the incident had occurred, past the American consulate and toward the Monopoly Bureau Headquarters. Placards and banners announced that they intended to protest the action of special armed agents, to demand a death sentence for the responsible man, and to demand the resignation of the Monopoly Bureau Director.

Unfortunately, as they made their way across the city, two Monopoly agents were discovered in a side street molesting a vendor. They were beaten to death by an angry crowd which was not taking part in the initial demonstration. This happened near the Taipei Branch Monopoly Bureau Office buildings which the crowd began to sack. Its contents were burned in the streets. Mainland employees were driven out and if caught were beaten mercilessly. The crowd's anger enlarged to include employees and property of the Trading Bureau, another monopolistic organization greatly disliked. The Consul and the Vice Consul observed the orderly gathering before the Monopoly Bureau Headquarters, where no Monopoly Bureau official would receive the petition which had been brought about noon. Monopoly Bureau police and a few military police were guarding the entrances.

Meanwhile at about one o'clock someone announced to the radio audience that demands were being made on the Government to put an end to its monopolies. All Formosans were urged to support the movement.

The parade, meanwhile, left the Monopoly Bureau for the Governor's office where it was intended to present the petition for reform. At about two o'clock it reached a wide intersection adjacent to the government grounds. Without warning a machine gun mounted somewhere on the government building opened fire, swept and dispersed the crowd and killed at least four. Two consular officers drove through the square immediately after the shots were fired. Two of the dead were picked up a few minutes later by an UNRRA officer.

This shooting was the signal for a city-wide outburst of anger against all mainland Chinese, regardless of rank or occupation. Many were beaten, cars were burned and in some few cases offices and houses of minor officials were sacked and the contents burned in the streets. It was observed that the Formosans refrained from looting. One Formosan was found attempting to take cigarettes from a burning heap; he was forced to kneel

and beg forgiveness from the crowd and was then driven away. Another was severely beaten. Tires and other equipment were observed to have been left untouched on over turned cars, and remained in evidence until the Formosans lost control of the city March 9. Martial law was invoked in the late afternoon February 28. Armed military patrols began to appear in the city, firing at random wherever they went.

At 10 o'clock a.m., March 1, the Chairman of the Tapei Municipal *People's Political Council* invited the Council, representatives of the National and Provincial P.P.C. Councils and the Taiwan representatives to the National Assembly, to form a committee for settling the so-called Monopoly Bureau incident. It was decided to send a delegation to call on the Governor General, requesting, among other things, that a committee be formed to settle the problems jointly by the people and the Government. These men recognized that with the firing on the crowd at the government building, the issues had become much greater than mere punishment of Monopoly Bureau agents and a financial settlement for the injured and dead. They urged the Governor to lift martial law so that the dangers of a clash between the unarmed civil population and the military would be averted. This the Governor agreed to do at midnight, March 1, meanwhile forbidding meetings and parades.

On that day buses and trucks, filled with squads of government troops armed with machine guns and rifles, began to sweep through the streets, firing indiscriminately. Machine guns were set up at important intersections. Shooting grew in volume during the afternoon. At no time were Formosans observed to have arms and no instances of Formosan use of arms were reported in Taipei. Nevertheless, the military were evidently allowed free use in what appeared to be an attempt to frighten the people into obedience.

At approximately 5 o'clock, the Governor General broadcast a message which appears to have increased the anger of the people. He stated that the Monopoly Bureau incident had been settled by a generous payment of money. Without referring to the machine gun fire from his own office he accused the Formosans of increasing rioting, but generously promised to lift martial law at midnight.

"There is one more point," the Governor broadcast. "The P.P.C. members wish to send representatives to form a committee jointly with the Government to settle this riot. This I have also granted. If you have any opinion, you can tell me through this Committee." (*Hsin Sheng Pai*, March 2, 1947.)

While he was broadcasting, members of the American Consulate staff witnessed a severe clash between armed government forces and unarmed crowds. Mounted troops had killed two pedestrians near the compound. A crowd gathered. A few hundred yards away Railway Administration special armed police suddenly opened fire from within the Administration building and killed two more pedestrians. The crowd turned on any mainland Railway Bureau employee found nearby. Two more pedestrians who looked like coolies were shot about 300 feet from the Consulate gates. Then as the bodies were carried off the crowd was observed to assemble again some distance from a mounted patrol near an intersection. Suddenly, with no warning, a long burst of machine gun fire swept the area. Some of the wounded and dead were carried past the Consulate gates; it is stated reliably that at least 123 were felled by this burst and that 25 died. How many of the injured walked away is not known.

On this afternoon 25 mainland officials from the neighboring Railway Administration compound took refuge in the Consulate. Although the crowd observed them enter, no attempt was made to pursue them. They were removed eight hours later under police guard.

*Organization for settlement recognized by General Chen*

The temper of the populace was uncertain. Inflammatory handbills and posters began to appear in increasing numbers. There was a general demand that the Government of Taiwan must be thoroughly reformed.

At 12 noon March 2 the "Untaxed Cigarette Incident Investigation Committee of the Taipei Municipal P.P.C." called on the Governor General, and with this began the attempt to meet and clarify the fundamental political and economic problems which lay back of the uprisings. The Governor had with him the Secretary-General, the Commissioners for Civil Affairs, Communications, and Industry and Mining.

The Governor appears to have been told by the Committee that there could be no peace as long as roving armed patrols were permitted to sweep the streets with gunfire and so paralyze all normal activity.

It is believed that if fully determined the people could have overpowered and ended the patrols which were moving only in the central part of the city.

The Governor therefore agreed to several "temporary demands", i.e., stipulations of conditions to be maintained while the people organized their fundamental demands for reform in government. These included (1) an agreement that a schedule of fundamental reforms should be prepared for discussion by March 10, after representatives of the people throughout the island could be consulted; (2) a promise that the Government would not bring additional troops into the city while these consultations were in progress; (3) a volunteer youth organization under the supervision of the Mayor and the municipal Chief of Police (a mainlander) would maintain law and order temporarily; (4) communications would be restored at once in order to avoid a food shortage.

The Governor agreed to broadcast at 3 o'clock p.m. and agreed to reduce the armed patrols gradually, meanwhile ordering them to patrol with rifles and other arms down on the floor of the trucks and busses, for use only if crowds were found disturbing the peace.

At 2:30 o'clock the first general meeting of the Governor's representatives (the Commissioners of Civil Affairs, Police, and Communications, and the Taipei Mayor) and the Settlement Committee met in the Public Hall, with a capacity audience of spectators. It was announced that as a result of the morning conference the Governor had decided to readjust the Committee to bring into it representatives of the Chamber of Commerce, the Labor Union, student organizations, popular organizations, and the important Taiwan Political Reconstruction Association which has been for many months the most outspoken and emphatically nationalist group urging reform in General Chen's government.

The following temporary demands were formulated:

1. All people arrested in connection with the riots will be released;

2. The Government will pay death gratuities and compensations to the wounded;

3. The Government will not prosecute persons involved;

4. Armed police patrols will be stopped immediately;

5. Communications will be restored immediately.

While in session the meeting was disturbed by volleys of shots outside. When the Governor's promised 3 o'clock broadcast was postponed for almost two hours, it began to be rumored that he was delaying in hope that troops would reach the city from the south and he would not be forced to make public acceptance of the demands.

At approximately 5 o'clock, March 2, the Governor again broadcast, concluding his speech with the statement:

"A committee will be organized to settle the incident. Besides Government officials and members of the P.P.C., representatives from the people of all walks of life will be invited to joint the committee so that it may represent opinions of the majority of the people." (*Hsin Sheng Pao*, March 3, 1947)

On the night of March 2, word reached Taipei that the Governor actually had attempted to get troops to the city. Citizens near Hsinchu city, however, were reported to have halted the troop carriers by removing rails from the main line.

From this time (March 3) the confidence of the people appears to have been undermined. The moderate and conservative element represented by the Committee members were willing to trust the Government's word and to proceed with negotiations. The more skeptical elements agreed to support the Committee in its efforts but at the same time determined to prepare resistance to any military action which might be set against them.

This delegation, received by five Government Commissioners and Chief of Staff Ko, urged that the patrols be withdrawn, for they were still firing wildly in the streets despite the Governor's promises. After long discussion the Government representatives agreed:

1. All troops to be withdrawn by 6 p. m., March 3;

2. Public order to be maintained by a temporary Public Security Service Corps including gendarmes, police, and youths;

3. Communications to be restored at 6 p. m.;

4. Military rice stores to be released to avert crisis;

5. Any military personnel making a disturbance to be sent to General Ko for punishment;

6. Any civilians disturbing the peace to be punished according to law, on the guarantee of the Committee;

7. Troops absolutely would not come from the south to the north. (General Ko is reported to have promised "to commit suicide" if his personal guarantee were broken.)

Meanwhile, a Taipei City Provisional Public Safety Committee was organized by the Settlement Committee. Its members were recommended by the Committee and were to constitute a "Loyal Service Corps." Its effective period was to end on the day normal conditions were restored in Taipei. Meanwhile, events at Taipei were known throughout Taiwan. It appears that Formosans became deeply alarmed at persistent rumors that troops were coming from the mainland, and began to arm themselves to resist a military occupation, insisting, however, that they wanted reform, not civil war. Formosans began to take over local administrative posts everywhere held by mainland Chinese. Government troops offered some resistance but it appears that in many places mainlanders agreed to relinquish their posts peacefully, as at Hualienkang (Karenko). The aborigines are reported to be cooperating fully with the Formosan Chinese. Without prearrangement or preparation, by March 5, Formosan-Chinese were in the ascendency or in control throughout the island.

This called for larger organization in order to prevent ruffians under guise of "local patriotism" from taking advantage of confusion. On March 4, the Settlement Committee enlarged its representative character by creating 17 sub-divisions or local Settlement Committees throughout the island. Circumstances beyond control forced the Committee to so enlarge its duties, and in doing so it announced:

"We should acknowledge the aim of this action, that there is no other desire except to demand a reformation of Government." (*Hsin Sheng Pao*, March 5, 1947)

This was without doubt necessary, for the absence of mainland office-holders from their duties threatened to paralyze the administration.

The Governor and his Commissioners received the Committee's representatives at 3:30 p.m., March 4, and the Governor took occasion to remind them that his duties were related to both national administration and local government and expressed his hope that the people would come forth with more proposals for local administration. He stated that he had ordered the police and gendarmes not to carry weapons.

March 5 was quiet at Taipei. Shops were open and primary schools resumed classwork. The city appeared to be returning to normal while the Settlement Committee worked toward a reform program which would remove the sources of conflict between administration and people.

There was intense popular anxiety, however, for rumors of impending troop movements grew stronger. It was said that the March 10 date set for presentation of the reform proposals would be too late. Each rumor strengthened the arguments of the men who desired to organize resistance and made the task of the officially recognized Settlement Committee more difficult. In an attempt to clarify its own position and to strengthen its influence over dissident elements the Settlement Committee published basic Articles of Organization clearly defining its temporary character.

A Youth League of considerable potential significance came into being, stressing as basic principles a desire to make Taiwan a model province of China and to hasten Dr. Sun Yat-sen's program of National Reconstruction. The founder, former president of the Chamber of Commerce, Chiang Wei-chuan, said:

"We absolutely support the Central Government but will eradicate all corrupt officials in this province. This is our aim which I hope every one of you fully grasp." (*Chung Wei Jih Pao,* March 6, 1947)

Spurred by fears of a military invasion, on March 6 the Settlement Committee completed its draft of items of reform which the Governor had agreed to discuss and to refer to the Central Government wherever necessary. The Committee's executive group acted as sponsors and included four members of the National P.P.C., six members of the Taiwan Provincial P.P.C., five members of the Taipei Municipal P.P.C. and two "reserve members". Everyone of these men had received the approval of the Government as P.P.C. members and represent in fact the most conservative elements in Taiwan. One is a former Consul General at San Francisco, and ex-Mayor of Taipei. The reform proposals, made possible March 7, are set forth on pages 15–18 of this despatch.

*The Army's explicit promise that the Central Government would not send troops*

On March 8 Major-General Chang Wu-tao, Comamnder of the Fourth Gendarme Regiment, at 12:00 noon called on the Settlement Committee at its headquarters. According to the press and to witnesses he made the following categorical statement:

"I can guarantee that there will be no social disturbances if the people do not try to disarm the soldiers. I want especially to report to you that the demands for political reforms in this province are very proper. The Central Government will not dispatch troops to Taiwan. I earnestly entreat the people of Taiwan not to irritate the Central Government, but to cooperate to maintain order. I can risk my life to guarantee that the Central Government will not take any military actions against Taiwan. I speak these words out of my sincere attachment to this province and to the nation. I hope Taiwan will become a model province after these political reforms." (*Hsin Sheng Pao,* March 9, 1947.)

*The landing of Government troops and subsequent terrorism*

Foreign observers who were at Keelung March 8 state that in mid-afternoon the streets of the city were cleared suddenly by machine gun fire directed at no particular objects or persons. After dark ships docked and discharged the troops for which the Governor apparently had been waiting. Fairly reliable sources estimate that about 2,000 police were landed, followed by about 8,000 troops with light equipment including U.S. Army jeeps. Men and equipment were rushed to Taipei. It is reported that about 3,000 men were landed at Takao simultaneously. Troops were reportedly continuing to arrive on March 17.

Beginning March 9, there was widespread and indiscriminate killing. Soldiers were seen bayonetting coolies without apparent provocation in front of a Consulate staff residence. Soldiers were seen to rob passersby. An old man protesting the removal of a woman from his house was seen cut down by two soldiers. The Canadian nurse in charge of an adjacent Mission Hospital was observed bravely to make seven trips under fire into the crowded area across the avenue to treat persons shot down or bayonetted, and once as she supervised the movement of a wounded man into the hospital the bearers with her were fired upon. Some of the patients brought in had been shot and hacked to pieces. Young Formosan men were observed tied together, being prodded at bayonet point toward the city limits. A Formosan woman primary school teacher attempting to reach her home was shot in the back and robbed near the Mission compound. A British business man attempting to rescue an American woman whose house was being riddled with machine gun fire from a nearby emplacement was fired upon and narrowly escaped, one bullet cutting through his clothing and another being deflected from the steering gear of his jeep. Another foreigner saw a youth forced to dismount from his cycle before a military policeman, who thereupon lacerated the man's hands so badly with his bayonet that the man could not pick up his machine.

Anyone thought to be trying to hide or run was shot down. Looting began wherever the soldiers saw something desirable. In the Manka area, near the Consulate, a general sacking by soldiers took place on March 10; many shopkeepers are believed to have been shot.

On March 11 it was reported that a systematic search for middle school students had begun during the night. School enrollment lists were used. A broadcast earlier had ordered all youths who had been members of the Security Patrol or the Youth League to turn in their weapons. Concurrently, all middle school students were ordered to remain at home. If a student was caught on the street while trying to obey the first order he was killed; if the searchers found a weapon in his house, he met a like fate. If a student was not at home his brother or his father was seized as hostage. A reliable estimate was made that about 700 students had been seized in Taipei by March 13. Two hundred are said to have been seized in Keelung. Fifty are reported to have been killed at Matsuyama and thirty at Kokuto (suburbs of Taipei) on the night of March 9.

From March 8 the Government instituted searches for all members of the Settlement Committee and for all editors, lawyers and many prominent businessmen who had in any way been identified with the activities of the Committee between March 1 and 8. Wang Tien-teng, Chairman of the Settlement Committee, was seized and is alleged to have been executed about March 13. Tan Gim, a leading banker, was taken from his sick bed; Lim Mo-sei, editor of the *Min Pao,* was seized in the night and taken without clothing. Gan Kin-en, head of a large private mining interest, was arrested.

Middle school and normal school teachers began to be seized or to disappear March 14. One teacher who had been deprived of his license as a public prosecutor after exposing a case of police corruption in early 1946, was taken on March 15. Another public prosecutor involved in the arrest and punishment of mainland police officers convicted in court of killing an official of the Taichung Court, is said to have been literally dragged out of the Taipei Higher Court by the convicted man who had apparently won release after March 8. A minor accountant in the Taiwan Navigation Company at Keelung was called out and shot, with the explanation that the Manager did not think well of him.

On March 13 a tense crowd was observed near the homes of the Vice Consul and the U.S.I.S. Director; wailing women who came away incoherently said that two students had just been beheaded. UNRRA personnel observed bodies lying along the road between their hostel and the city office. Unclaimed bodies were reliably reported to be lying in the ditches and along an embankment within 2000 feet of the foreign mission compound. A foreigner reported that on March 15 while at the Army Garrison Headquarters he observed some 15 well-dressed Formosan-Chinese bound and kneeling with necks bared, apparently awaiting execution. On March 14 and 15 many bodies began to float into the inner harbor at Keelung. Foreigners saw sampans tow them for possible identification by anxiously waiting people. It is estimated by a reliable Keelung observer that some 300 people had been seized and killed there.

After three days in Taipei streets, government forces begun to push out into suburban and rural areas. Mounted machine gun patrols were observed along the highroads 15 to 20 miles from Taipei shooting at random in village streets in what appeared to be an effort to break any spirit of resistance. Manhunts were observed being conducted through the hills near the UNRRA hostel. Foreigners saw bodies in the streets of Tamsui.

By March 17 the order of seizure or execution seemed to have become, successively, all established critics of the government, Settlement Committee members and their aides, men who had taken part in the interim policing of Taipei middle school students and teachers, lawyers, economic leaders and members of influential families, and finally, persons who in the past had caused members of the Government or their appointees serious loss of face. On March 16 it was rumored that anyone who spoke English well, or who had close foreign connections was being seized "for examination", and that many Japanese technicians in the employ of the Government were being taken.

On March 9, the Committee began to publish retractions, modifications and denials of acts and proposals made during the preceding ten days. Only the Government's paper, the *Hsin Sheng Pao,* appeared March 9. On that date the Taiwan Garrison Headquarters issued the ambiguous statement that "all illegal organizations must be abolished before March 10 and meeting and parades are prohibited . . ." (Communiqué no. 131, March 9, 1947).

On March 10, General Chen issued the following statement:

"On the afternoon March 2, I broadcast that members of the national, provincial and municipal P.P.C.s, Taiwan representatives to the National Assembly and representatives from the people may jointly form a committee to receive the people's opinion concerning relief work for the February 28 incident.

"Unexpectedly, since its formation, the committee has given no thought to relief

work such as medical care for the wounded and compensation to those killed and so forth. On the contrary, it acted beyond its province and on March 7 went so far as to announce a settlement outline containing rebellious elements. Therefore, this committee (including *hsien* and municipal branch committees) should be abolished. Hereafter, opinions on political reforms concerning the province may be brought up by the Provincial P.P.C., and those concerning the *hsien* and municipalities by their respective *hsien* on municipal P.P.C.s. People who have opinions may bring them up to the P.P.C. or to the Government-General direct by writing." (*Hsien Sheng Pao,* March 11, 1947)

On March 13, it was announced that all but three government-sponsored papers were banned or suspended for having published accounts of the uprising and activities of the Committee. The *Min Pao* press was destroyed effectively on March 10.

By March 17, the Government forces were pushing down the main railway lines toward the center of the island. Martial law was rigorously enforced from 8 o'clock p.m. until 6:30 a.m.

THE DRAFT REFORM PROGRAM

Hereafter, events in Formosa and the development of Chinese administration there may be better understood in the light of the draft reform program—the so-called 32 Demands—which are here set forth. Though the rioting after February 27 was spontaneous and the creation of the Settlement Committee an unplanned event, these requests for specific reforms in local government are rooted in fundamental economic and administrative problems which must some day be solved.

It must be pointed out that the Settlement Committee, aware of its responsible official character, was greatly hampered and embarrassed by many impossible demands made on it by individuals and groups who were not authorized to develop a reform program for the Governor's consideration. For example, there were published demands that only Formosans be allowed to hold arms on Taiwan and that all Central Government troops be withdrawn. Some extreme threats to individuals in the Government appeared in handbill and poster form.

Here the Committee's proposals are regrouped as they appear designed to achieve (1) equality in government; (2) security of person and (3) security of means of livelihood. Certain of the measures were clearly open to compromise and negotiation.

*Reforms to ensure equality for Formosans in local government*

1. A provincial autonomy law shall be enacted and shall become the supreme norm for political affairs in this province so that the ideal of National Reconstruction of Dr. Sun Yat-sen may be here materialized.

2. The appointment of commissioners shall have the approval of the People's Political Council (after new elections have been held.) The People's Political Council shall be newly elected before June 1947. In the meantime such appointments shall be submitted by the Governor General to the Committee for Settling the February Incident for discussion and approval or rejection.

3. More than two-thirds of the Commissioners shall be appointed from those who have lived in this Province for more than ten years. (It is most desirable that such persons only shall be appointed to the Secretariat and to be Commissioners of the Department of Civil Affairs, Finance, Industry and Mining, Agriculture and Forestry, Education, and Police.)

4. Unarmed gatherings and organizations shall enjoy absolute freedom.

5. Complete freedom of speech, of the press and of the right to strike shall be realized. The system requiring registration of newspapers to be published shall be abolished.

6. The Regulations in force covering the formation of popular organizations shall be abolished.

7. The Regulations governing the scrutiny of the capacity of candidates for membership in representative organs of public opinion shall be abolished.

8. Regulations governing the election of members of various grades in representative organs of public opinion shall be revised.

9. A Political Affairs Bureau of the Settlement must be established by March 15. Measures for its organization will be that a candidate be elected by representatives of each village, town and district, and then newly elected by the prefectural or city People's Political Council. The number of candidates to be elected in each city or prefecture are as follows:

[Total 30—figures and allocations here omitted]

10. The Office of the Governor General shall be converted into a Provincial Government. Before this reform is approved by the Central Government, the Office of the Governor General shall be reorganized by the Settlement Committee though popular elections so that righteous and able officers can be appointed.

(NOTE: It has been indicated by a Formosan lawyer that the thought behind this was to provide for the interim period leading sovereignty to China, until which time, it is to the peace treaties and the legal return of widely held, a legal Provincial Government cannot be established.)

*Reforms to ensure security of person and property*

1. Popular election of prefectural magistrates and city mayors shall be held before June of this year and at the same time there shall be new elections of members to all prefectural and municipal political councils.

(NOTE: The reason given for this is the establishment of control over the police systems and to ensure the supremacy of, and respect for the courts.)

2. The posts of the Commissioner of the Department of Police, and of the directors of all prefectural or municipal Police Bureaus ought to be filled by Formosans. The armed Special Police Contingents and the armed police maintained by the Railway Department of Industry and Mining shall be abolished immediately.

3. No government organs other than the civil police can arrest criminals.

4. Arrest or confinement of a political nature shall be prohibited.

5. All chiefs of local courts of justice and all chief prosecutors in all local courts of justice shall be Formosans.

6. The majority of judges, prosecutors and other court staff membership shall be Formosans.

7. More than half the Committee of Legal Affairs shall be occupied by Formosans and the Chairman of the Committee shall be mutually elected from among its members.

*Measures to ensure a revision and liberalization of economic policy and a reform of economic administration*

1. A unified Progressive Income Tax shall be levied. No other sundry taxes shall be levied except the Luxury Tax and the Inheritance Tax.

2. Managers in charge of all public enterprises shall be Formosans.

3. A Committee for Inspecting Public Enterprises, elected by the people, shall be established. The disposal of Japanese propties shall be entirely entrusted to the Provincial Government. A Committee for management of industries taken over from the Japanese shall be established. Formosans shall be appointed to more than half the Committee posts.

4. The Monopoly Bureau shall be abolished. A system for rationing daily necessities shall be instituted.

5. The Trading Bureau shall be abolished.

6. The Central Government must be asked to authorize the Provincial Government to dispose of Japanese properties.

*Reforms affecting military administration on Formosa*

1. The military police shall arrest no one other than military personnel.

2. As many Formosans as possible shall be appointed to Army, Navy and Air Force posts on Taiwan.

3. The Garrison Headquarters must be abolished to avoid the misuse of military privilege.

*Reforms affecting social welfare problems*

1. The political and economic rights and social position of the aborigines must be guaranteed.

2. Workmen's protection measures must be put into effect from June 1, 1947.

3. Detained war criminals and those suspected of treason must be released unconditionally.

(NOTE: This is stated as designed to secure the release of a number of wealthy and prominent Formosans who have been held for more than a year on general charges of "treason" and "war crimes", who are alleged to be paying continual ransom to ensure the lives of those detained and to ensure the security of their extensive holdings.)

*Demands which are subordinate measures or subject to compromise*

1. The abolition or unification of the Vocational Guidance Camp and other unnecessary institutions must be determined by the Political Affairs Bureau of the Settlement Committee, after discussion.

(NOTE: An internment camp for persons the Government decides to make into "useful citizens".)

2. The Central Government must be asked to return funds for the sugar exported to the mainland by the Central Government.

3. The Central Government must be asked to pay for 150,000 tons of food exported to the mainland, after estimating the price in accordance with the quotation at the time of export.

In preparing these proposals for reform the Settlement Committee believed that it was preparing a basis for discussion with the Governor and through him with the Central Government. For an examination of public statements by the Governor and his representatives and from the direct testimony of Committee members, it is believed that the Committee was justified in considering itself empowered officially to propose such reforms in administration. These were not put forth as minimum or unalterable demands; they were clearly understood to be intended as a means for reflecting popular opinion. March 10 was mutually agreed upon as a date for presentation in order that people throughout Taiwan could contribute their ideas to the Committee.

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AFTERMATH AND SETTLEMENT

*Public opinion, Nationalism and Communism*

However bitter their criticism of local administrative policy before these uprisings, there can be no question that the Formosan-Chinese have felt loyalty to the Central Government and toward the Generalissimo. Fifty years under Japanese rule had sharpened their sense of Chinese nationality and race and in doing so developed a strong sense of island-wide social unity. Formosans have been ambitious to see Taiwan become a model province of China. From February 28 until March 9, while Formosans were in effective control of the island, the leaders in the Settlement Committee, leaders of the Youth Groups and editors of news-

papers which have been most critical of the local government all took great pains to emphasize their fundamental desire to become a model province in China, proud of their race and nationality and proud to be taking part in the National Reconstruction.

(For specific reference, see editorials and speeches quoted in the *Chung Wai Jih Pao,* March 6; *Min Pao,* March 6; *Hsin Sheng Pao,* March 5; and other journals of that week.)

Reference has been made earlier to the intense distrust and fear of communism which was fostered intensively by the Japanese. There are a few Formosans who have been suspected of interest in overseas communism but they have always been counted of little importance. Of direct external influence a few communist pamphlets of mainland origin were found in the autumn of 1946 but they were not especially designed for Taiwan. So long as the living standard remained at a relatively high level there was little danger of communist doctrine finding a reception on Formosa. A large number of Formosans who had been conscripted into Japanese army labor battalions were repatriated from Hainan Island in conditions of extreme poverty in 1946. They had not been treated as "liberated Chinese" but as defeated enemies after the surrender. Failure to find employment on Formosa in the months since has undoubtedly increased their discontent and made them susceptible to the arguments of any confirmed communists who may have come back with them.

It may be therefore said with a high degree of assurance that as of March 1, 1947, communism in any form was of most negligible importance on Taiwan.

However, a local form of communism is not only possible but is believed to be a highly probable development if economic organization collapses under the pressure of continued military occupation.

*The military commitment and possible economic consequences*

If the Central Government chooses to support a policy of suppression of all criticism of the government and to confirm the authority of present officials by establishment of military garrisons throughout the island, the cost will be very high and will not diminish. Firm control will necessitate the maintenance of troops at all large cities, at all important rail and highway junctions and in the vicinity of the power plants upon which the normal economy depends. The ports and harbors must be garrisoned. Almost 14,000 square miles will have to be policed by military force.

It is not possible before March 17 to assess the truth of some Formosan claims that large supplies of arms had been seized in the central part of the island and transported into hiding. The opportunity presented itself and was probably taken.

It is presumed that the Formosans, if oppression continues, will not attempt a resistance from fixed positions, but will continue to harry Government troops, creating a continuous drain upon men and supplies, and will use the mountainous hinterlands as cover. Perhaps no single province in China involved so little military expenditure as that needed for Formosa before March 1, 1947. It may now well become one of the most costly, if the economic losses in production and hampered transportation are added to outright military costs.

It is significant that throughout the trouble the local government has emphasized the fact that the Army represents the Central Government most directly. Thus, when it began to be clear that the word given by the highest ranking military officers was to be broken, Formosans began to lose faith in the Central Government as well.

With industry in such a precarious condition in February 1947, it must be presumed that the dislocations attendant upon the present trouble and a military occupation will hasten the disintegration of the industrial structure of Taiwan. China loses thereby an asset of immeasurable value. This established industrial structure (including the food processing units which make agriculture so profitable) has a substructure of semi-skilled local labor. UNRRA investigations have shown that young Formosans are no longer able to go into industrial schools or apprenticeships as in the past, but enter the common labor market as they see industry after industry shrivel up as capital investments dwindle and small industries close. Unemployment will increase with acceleration of this trend.

The rice crisis in January indicated that in present circumstances Formosa may have no immediate food surpluses upon which to draw. The addition of large numbers of troops, feeding on the countryside, will further diminish available supplies. Rice and other foods will go into hiding. Sabotage and slow-down tactics may be anticipated.

The total losses of a military occupation are incalculable. Prominent Formosan-Chinese—conservative, liberal and extremists—and many young men have been killed or seized or are driven into hiding. The educational development of the island, especially in the technical schools of middle grade, will be greatly retarded at a time when China needs every trained man. Highly qualified mainland doctors and foreign medical personnel predict that the public health system may break down badly within the year, bringing on a larger scale the cholera epidemics which appeared in 1946.

A state of near anarchy is a distinct possibility for Formosa by the end of 1947 if drastic efforts to revise policy and effect governmental reforms (free of military pressure) are not undertaken speedily. Having known a relatively high standard of living under the Japanese regime, the Formosans are not going to lose what they have without a struggle directed against the forces which they hold responsible. If the Central Government meets increasing difficulties compounded of economics and military struggles of the mainland, the Formosans will be tempted to increase their resistance in proportion.

For eighteen months Formosan-Chinese blamed the provincial administration and at the same time assured themselves that if the Generalissimo were made fully aware of conditions he would reform the system in effect on Taiwan. Later it was assumed that the application of the new Constitution would bring to Taiwan the measure of self-government needed to restore the total economy to its former high level of production, to the permanent benefit of China.

There may be a sullen peace achieved by military action, but it cannot be enforced. Further uprisings of far more serious proportions than these recent spontaneous outbursts may occur at a time when the overall peace settlement in the Far East is underway, and problems are being reviewed for inclusion or exclusion in the conference agenda. Anyone who wishes to embarrass China will find good material in a revolutionary situation on Taiwan.

Formosa should be put to work earning foreign credit for China. Its peculiar character as an industrialized and technically developed province should be sheltered from the greater economic difficulties found on the mainland. Taiwan was returned to China as an outstanding economic asset, and example of the advanced technological economy toward which all other provinces of China are striving. Two years of concentrated rehabilitation effort in Formosa hereafter will produce permanent assets of two kinds. Raw materials and products such as fertilizers, cement, foodstuffs and industrial chemicals will become permanently available to China in increasing amounts. Others such as tea, camphor, sugar, industrial salt, pineapples and light manufactures can be directed to overseas markets. A moderate share of the foreign credit so created must be returned to Formosa for rehabilitation and expansion of state-owned industries and the expansion of private enterprise. Formosan-Chinese must be admitted to greater participation in all aspects of economic administration and reasonable profit if the island is to prosper and to return to the high and constant level of production achieved in former years. Economic stability and expansion must be founded on a sound political and social administration. Now is the time to act. To encourage and ensure wholehearted effort the Formosan-Chinese must be allowed to take a larger part in government at all levels. Changes in personnel as well as in the structure of the administration must be thoroughgoing; it is felt that half-way measures and palliatives now will only postpone a larger repetition of the current protests against corruption, maladministration and autocracy in the provincial government. Formosa can be restored to its former high level of political allegiance and of economic production by prompt and fundamental reform.

The following developments have been reported as occurring during the end of March and the first part of April:

The continuing presence of fresh bodies in Keelung Harbor and other evidence indicate that the elimination of the informed opposition is continuing. The bodies of at least two men known to neutral sources as having taken no part in any activities during the recent incidents have been identified. It is reported at Taipei that although shots and screams in the night have become less frequent, they continue, and that there is no palpable difference in the tense atmosphere of the city. Mainlanders generally are reported to be apprehensive of further trouble, and many of them are said to feel that Formosan cooperation under present circumstances will be difficult for an indefinite time in the future. Of serious import is the reported continued undermining of Taiwan's advanced economic structure.

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TAIWANESE NATIONALISM: WILL THERE EVER BE A HARVEST FOR ALL THE YEARS OF HOPING?

(By April Klimley)

TAIPEI, TAIWAN.—"We don't want to be Chinese. We want to be Taiwanese," said a native-born professional man here in Taipei recently, summing up his feelings about his homeland.

His sentiment is common among the 12 million Taiwanese here, but it is rarely expressed because such opinions could be considered treason by the Nationalist Chinese Government.

The government has spent a great deal of time and money over the past 20 years keeping this kind of sentiment within strict bounds. It started in 1947 when Chiang Kai-shek took over the governing of Taiwan, and 2,000,000 mainland refugees began pouring in. Persistent political and police work paid off by preventing the development of any local home-rule movement.

But recently the picture has changed. Taiwanese nationalism appears to be on the rise. Signs of this are everywhere, from a marked increase in Taiwanese-language radio and television shows to a wider use of the Taiwanese language in the business sphere.

ASSASSINATION TRY RECALLED

Most observers trace this burgeoning sense of identity to economic prosperity, higher levels of education, and, most important of

all, political events outside the island. They feel it is these events which have triggered the political consciousness of the local population at this time.

Foremost among these events was last year's United Nations vote when Communist China got a majority on the Albanian resolution. Although that in itself was not enough to seat the Peking government or oust the Nationalist, it came as a shock to most people in Taiwan who have long been shielded from international political realities by a carefully controlled press.

Some observers trace the new political consciousness among Taiwanese to the assassination attempt on Chiang Kai-shek's son and heir apparent, Chiang Ching-kuo.

This occurred in the spring of 1970 while Chiang Ching-kuo was in New York City on a visit to the United States. The affiliation of the would-be assassins with the Formosan independence movement in the U.S. was never revealed in the Chinese-language press here. But it was printed in the two English-language papers on the island, and thus filtered down gradually through much of the population.

Other observers date the reemergence of Taiwanese nationalism even earlier. They say it began with the escape of Formosan independence leader Peng Ming-min from the island in January, 1970. Mr. Peng had been under constant surveillance for five years at his home. In 1965 he had been released from prison where he was being held on charges of plotting to overthrow the Nationalist Chinese Government.

Professor Peng's escape to Sweden came as a surprise not only to the island population here, but also to his police guard which was extremely embarassed. Now Professor Peng is teaching at the University of Michigan in the United States. A few people here feel that his admission into the United States indicates indirect American support of the Formosan independence movement.

It is hard to tell just how widespread the new nationalism here is. However, many observers feel that the general restlessness throughout the island is one of its signs.

Even the government concedes that there has been tension building up. But they do not trace this simply to Taiwanese. They point out that both mainlanders and Taiwanese are worried about the U.S. standing up to its defense commitments to Taiwan at this time.

TWO DIFFERENT CONCERNS

But Taiwanese concern about American China policy differs markedly from Nationalist Chinese concern.

Nationalist Chinese Government and party officials are uniformly shocked by and afraid of a U.S. two-China policy. This is not primarily out of fear of being handed over to Communist China. It is out of fear of losing its right to rule Taiwan.

For 20 years the Nationalist Chinese Government has done this through its claim to be the legitimate government of all China. It feels that any two-China policy might lessen its legitimacy and thus its right to rule. It would also lessen hopes of return to the mainland. Even many young mainlanders still believe in this although they think more in terms of reuniting with the mainland politically than of retaking it militarily.

Most Taiwanese, and those mainlanders who have lost their sense of identification with their birthplace, do not feel this way. These Taiwanese do not hold important positions in government or the military, and most feel suppressed both politically and economically.

They would like to see a Taiwan free of both Nationalist and Communist governments. They would welcome a two-China policy which provided for one China, one Taiwan, so long as it also guaranteed Taiwan sufficient military strength to stay independent of Japan and Communist China.

WORLD WAR II ECHOES

But most Taiwanese are not optimistic about a Taiwanese Taiwan. They remember what happened after World War II when the Japanese left the island. At that time some Taiwanese hoped for a UN-supervised referendum so that they could decide their future for the first time in 50 years. Instead, they were handed over to Chiang Kai-shek and the Nationalist Chinese Government under the provisions of the Potsdam Declaration.

Since then the Nationalist Chinese Government has done a good job of keeping the Taiwanese population politically fragmented.

Part of this success is due to ethnic differences among the Taiwanese themselves. There are large minorities of Hakka and mountain aborigines on the island who have never been completely assimilated, although they have lived side by side with Taiwanese for several hundred years.

The Nationalist Chinese Government officially makes no distinction among these groups. But it has been known to play off one minority group against another, particularly in local elections. And the number of Hakkas or aborigines who reach positions of prominence is even lower than the number of Taiwanese.

A second factor in the splintering of the local population has been the economic success many Taiwanese businessmen have enjoyed under the present government. A high percentage of private enterprise is run by Taiwanese. Some of these men have even joined the Kuomitang, the government party. Even those who don't tend to feel that the best course to future political power is present-day economic success.

GOVERNMENT SUPPRESSION

The third, and most important factor, in this strategy of fragmentation has been continuous government suppression of all advocates of home rule. A huge security apparatus watches the island, not only for Communists, but also for indigenous political activity. Suspects are picked up and jailed without specific charges. Most trials are held in secret. Today about 4,000 political prisoners are jailed throughout the island.

The most recent rash of anti-Taiwanese police activity occurred at the end of February. Early in the month security agencies felt that preparation was under way for some kind of demonstration to commemorate the antigovernment uprisings of Feb. 28, 1947. To defuse this they conducted a series of arrests.

Two of those arrested were Wei Ting-chao and Hsieh Tung-min, former students of Peng Ming-min who had served time with him in prison. They are still in jail.

This sophisticated security system has been very effective in squashing any overt political organization here of Taiwanese origin. Most observers feel it has also prevented the formation of any underground Taiwanese movement aligned with the Formosan independence movement in Japan and the United States.

Of course, it has not stamped out all sympathy. But even those radical Taiwanese left here are skeptical of the effectiveness of the independence movement.

"I haven't much hope for the Formosan independence movement," says one thoughtful Taiwanese intellectual about 45 years old. "There are two reasons. For one thing, we Taiwanese are always divided. It's easy to turn us against one another. For another thing, we would have to have arms to effect a revolution. Where would we get them? The U.S. wouldn't give them to us because they wouldn't want to be accused of interfering in internal politics."

UN REFERENDUM HOPE?

The only hope this man sees is for a UN referendum.

But many other politically aware Taiwanese see little hope of that. They feel that despite loud public protestations, the Nationalist Chinese Government is already in the process of accepting some kind of two-China policy. The conditions of the deal would preclude a Taiwanese-run Taiwan and keep the present government in power.

"Basically, Washington likes the Nationalist Chinese Government," says one Taiwanese businessman, "as long as it is subservient to U.S. wishes. The Nationalist government will have to accept whatever new policy the U.S. comes up with—or it's out! So the real question now is what the terms will be—how much military aid the government will get from the U.S., what trade terms, etc."

Not all Taiwanese are so cynical.

"If there is any hope for us," says a Taiwanese politican, "it will only be after 30 years when the older generation dies. Then there will be natural independence. The descendants of mainlanders will forget they came from the mainland. They will be accustomed to Taiwan."

But behind these philosophical words lie visibly frustrating lives for many Taiwanese. Thomas Liao, an independence leader who once led a Formosan government in exile in Japan, summed up these feelings talking to a friend in 1947.

"We Taiwanese are just like a football," he said. "We are kicked around by the United States, Japan, Communist China, and the Kuomintang. In this game, we're not even a player. We're just the football. So how can we control our own fate?"

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[The Wall Street Journal, June 10, 1971]

TAIWAN: PAWN OF THE ORIENT

(By Peter H. Prugh)

Now that the United States and Mainland China are becoming less hostile to each other, the issue of Taiwan looms as a major obstacle to better relations.

The beautiful, densely populated island 100 miles off the southern Chinese coast has been the object of bitter competing claims since the U.S.-supported Generalissimo Chiang Kai-shek set up his Nationalist Chinese government there after the Communists took over the mainland in 1949. The Communist Chinese insist that the island, which has about one-fourth the area of Illinois and a population of 14 million, is an integral part of China. So, for that matter, do the Nationalists, who still harbor the hope—if not the realistic expectation—that the Communists will someday be driven out.

What's going to happen to Taiwan? A number of alternatives are worth considering.

One possibility is that in the not too distant future the mountainous island will be united with the Mainland China government, as the Communist Chinese wish. It has long been suggested that the split between the Nationalists and Communists is more one of personalities than ideology. With the passing of the aging Chiang Kai-shek and Mao Tse-tung, much of the bitterness might fade, and a union be effected.

A MERGER QUESTION

But there's a serious question how smoothly Taiwan could be merged into the mainland.

Some 85% of the island's residents are Taiwanese, whose ancestors settled the island over the past few hundred years. They are of Chinese descent and they maintain many Chinese traditions, but they are out of the

mainstream of Chinese civilization and their history of separate development has given them an independence and rebelliousness. For obvious reasons of self-interest, influential Taiwanese capitalists and businessmen would be unhappy about a union with the Communist mainland. And there would be the sticky question about what the Communists would do to the large investments of Japanese companies on the island and the growing number of U.S. corporate operations there.

A second possibility is that the status quo will continue. Chiang's Kuomintang Party would remain in power; U.S. military bases would remain. Japanese and U.S. investment would increase.

The difficulty here is that there are some signs that Taiwan's people, with relatively high educational standards and increasing expectations, won't stand much more of the authoritarian ways of the Chiang government.

The national legislature doesn't represent Taiwan; it was elected from all the provinces of China in 1947. The police and military play a heavy-handed role. Thousands of gifted Taiwanese college students are in the United States and Canada; many feel that the island holds few opportunities for them and show no inclination to go back.

The atmosphere within Taiwan is "very tense" and people are "becoming more restive," claims Peng Ming-min, a Taiwanese independence leader who recently escaped from the island and is now a legal researcher at the University of Michigan in Ann Arbor. The island has shown "considerable economic advancement" in recent years, but the "picture is not so rosy as many government propaganda papers say," he says. There has also been recent biting criticism of the Chiang government for an alleged "sell-out" on claims to oil rights in seas north of Taiwan to the Japanese.

Consequently, the U.S. could again find itself backing a tired, unpopular, authoritarian government. That happened to the U.S. in China in 1949, critics say, and that's what they claim has happened in Vietnam.

A third alternative is that Taiwan become independent and neutral under a new, more representative, government. Under ideal circumstances, the island might develop as a "Switzerland of Asia," a center of commerce, finance and industry for a vast Pacific and Asian area. Perhaps it could become an independent, non-colonial Hong Kong or Macao, serving as a contact point between East and West.

Geographically, Taiwan is suited for such a role. The U.S. military bases would have to go, of course, but the island's own military forces could easily provide defense against all conventional military attacks. Its independence, neutrality and protection from nuclear attack could be guaranteed by a treaty involving Communist China, Japan, the U.S. and the USSR. Mr. Peng thinks such a plan would be a good one, if perhaps too "idealistic." Taiwan "shouldn't be a threat to any other country, particularly China," he says, and other countries should "respect Taiwan's political and military neutral position."

### A "FIRST PRINCIPLE"

But Mr. Peng, who was under constant surveillance before he escaped, suggests there's a "first principle" that should be employed before any decisions are made about the island. It involves the residents of Taiwan. "Their voice should be heard before anything is decided about their future," he insists. He suggests that a referendum be held on the island's future or the establishment of a "more representative government" to decide the island's destiny.

If such a suggestion were carried out, it would be something new for Taiwan. The island has a history of being a pawn of big powers. Its original inhabitants were people of Malay descent, who like the U.S. Indians were gradually defeated and pushed inland by later settlers. Before the 16th century some Chinese and Japanese knew about the place, but paid little attention to it. Portuguese sailors gave it its European name of "Formosa," and 16th century European maps lumped it together with Okinawa and the other Ryukyu Islands to the Northwest.

The Dutch maintained a settlement in central Taiwan from 1624 to 1662 in the hope of increasing trade and influence with China. For a while, the Spanish had a settlement in north Taiwan, mainly to protect Spain's Philippine colony. During the 17th century, the Japanese and English also made trips to the island. And during the latter part of the 17th century, Taiwan served as the last bastion for the declining Ming dynasty after its rulers had been driven from most of the mainland by the Manchus. (Some observers see parallels between the Ming's last stand there and the modern-day Nationalist Chinese.)

After Taiwan fell to the Manchus it remained a part of China until 1895, when the Japanese took over. Under Japan, the Taiwanese were treated as inferiors, but considerable economic development took place. At the end of World War II, Taiwan, in accordance with the Cairo declaration among the Allies, was given to Chiang's Chinese government.

"This thoughtless tossing to China of a heavily inhabited and strategically important island which had not belonged to it in recent decades, and particularly the taking of this step before we had any idea of what the future China was going to be like, and without any consultation of the wishes of the inhabitants of the island, produced a situation which today represents a major embarrassment to United States policy, and constitutes one of the great danger spots of the postwar world," wrote historian and diplomat George F. Kenan in 1961.

### DISILLUSIONMENT AND DEATH

The Nationalist Chinese were originally greeted on Taiwan as liberators. But Taiwanese say that disillusionment set in quickly when Nationalist military leaders began acting like carpetbaggers and treating the Taiwanese like a conquered people. The tragic climax came in the February 1947 Nationalist massacre of an estimated 10,000 Taiwanese after they had protested about conditions on the island. (Estimates on the number of people killed vary. The Independent Formosa, published by a New York group, puts the figure at 20,800.)

The situation has improved since then. The U.S. has pumped more than $4 billion in economic and military aid into the island. An effective land reform program helped increase agricultural production; the island is a substantial producer of rice, tea, bananas, mushrooms, citrus fruits and other products. Its economy has grown spectacularly, and many consumer-oriented industries have been started. By population, it ranks among the top third of the world's nations, and its standard of living by most measurements is second only to Japan in Asia.

Still, as one historian puts it, Taiwan has always been a "marginal island." It has been used as a good strategic spot, a jumping-off base, a potential trading center, a symbol of prestige and a pawn in power politics. It has never been treated as an entity in itself. The people who live there haven't had much to say about their destiny.

"I don't accept the typical colonialist argument that locals can't run their own country," comments Mr. Peng, the independence leader.

That makes sense, but it remains to be seen whether this time around the powers that control Taiwan's future can agree on such a simple notion.

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[United States Security Agreements and Commitments Abroad, Republic of China, U.S. Senate Hearings, 1969–1970, pp. 986–994]

### INTERNAL SITUATION IN TAIWAN

Mr. PAUL. Now, I would like to turn for just a minute again to the subject of the internal situation on Taiwan, if I may.

On page 71 you mention as one source of control of opposition to the existing regime the effective internal security controls which the Government of the Republic of China has.

What are you referring to in this reference?

Mr. MCCONAUGHY. Well, the existence of martial law and the existence of pretty severe penalties against subversive activities of pro-Communist activities or any activities judged to be prejudicial to the essential security interests of the state, and those interests are defined in terms of a wartime situation, a martial law situation.

Mr. PAUL. When did Nationalist China take control of Taiwan?

Mr. MCCONAUGHY. In 1945, 4 years before the Central Government moved there; in October of 1945, right after the Japanese surrender, 6 or 7 weeks after the Japanese surrender.

Mr. PAUL. In the period from 1945 through the next succeeding years was there any rioting or strong opposition to the Nationalist Government's authority?

Mr. MCCONAUGHY. Yes. There was a pretty serious disturbance in February of 1947 directed really against the policies of the Provincial Government, and the then Governor, Chen Yi.

### POLITICAL PUNISHMENT BY ROC GOVERNMENT

Mr. PAUL. How many people approximately have been either killed or imprisoned by the Government of the Republic of China since it took control of Taiwan as an effort to control anti-Government dissension?

Mr. MCCONAUGHY. I do not have any figures there.

Mr. PAUL. Can you give us a minimum figure?

Mr. MCCONAUGHY. I would not want to do that because I do not feel I have any sound basis.

Mr. PAUL. You could not confirm that at least 20.000 people have been killed, as reported in the press?

Mr. MCCONAUGHY. I could not confirm it; no.

Mr. PAUL. Could I ask you to submit an answer for the record on that?

Mr. MCCONAUGHY. I doubt if we could give you anything on that. I do not know of a dependable source.

Mr. PAUL. You mean you have no idea within a wide margin of error on this subject since the public allegation has been that 20,000 people were killed in the early days of the regime on Taiwan?

Mr. MCCONAUGHY. We can see what we have.

Mr. PAUL. Thank you.

Mr. MCCONAUGHY. But I do not believe that we could give you a verifiable figure.

Mr. PAUL. All right. I would appreciate whatever you could, again obviously speaking only approximately with regard to both killing and imprisonment.

(The following information was later supplied by the State Department.)

### THE FEBRUARY 1947 UPRISING

A detailed summary of the circumstances and events leading up to the Taiwanese uprising which began on February 28, 1947, as

reported by American officials on Taiwan at the time is provided in a memorandum submitted by Ambassador Leighton Stuart to President Chiang Kai-shek on April 18, 1947, and printed in the Department of State volume *United States Relations with China*, 1949 (known as the "China White Paper") pp. 923–938. The memorandum recounts numerous incidents of widespread and indiscriminate killings by government police and troops, particularly after reinforcements began to arrive from the mainland on March 8. Some of these incidents which occurred in Taipei were observed by American consular officials; others were reported by foreign residents there and elsewhere. U.S. official documents, written well after the event, generally have accepted the figure of 10,000 persons as the approximate number killed during the period which extended until the end of March, 1947. Ambassador Stuart's memorandum, however, does not contain any such estimate. Given the circumstances, marked by considerable undisciplined behavior on the part of the government troops and police throughout Taiwan, it seems unlikely that any reliable estimate of the total number of deaths was available in the months following the uprising. Certainly there were thousands of Taiwanese who were killed; but more precise figures are open to question.

No figures are available in the Department of State on the estimated number of persons imprisoned during these riots.

Mr. PAUL. Could you tell us now how many people are incarcerated in Taiwan for anti-Government activities?

Mr. MCCONAUGHY. No, I do not have that figure. No figures are announced.

Mr. PAUL. Don't we, through sources of our own, have some estimate of this figure?

Mr. MCCONAUGHY. [Deleted.]

Mr. PAUL. If you do have some report as to this figure, I think it would be useful to the subcommittee.

Is there a large-scale secret police force on Taiwan?

Mr. MCCONAUGHY. Well, there is a Taiwan Garrison Command which is responsible for security matters on the island.

Senator SYMINGTON. Mr. Ambassador, we will be glad to cooperate with you in taking anything out you feel would be personally embarrassing to you as our representative; but you must have a general idea of how many political prisoners there are in Taiwan, haven't you?

Mr. MCCONAUGHY. No; I honestly do not have, Mr. Chairman. This is a matter that just did not——

Senator SYMINGTON. Would you say there are 15?

Mr. MCCONAUGHY. I would assume there are more than that.

Senator SYMINGTON. Well, would you say there are 500?

Mr. MCCONAUGHY. But you have got a matter of definition to start with just how are you going to define a political prisoner. Some of these people probably are Communist agents, and if they are truly subversive, as some of them may well be, are you going to call them just political prisoners or not? Where are you going to draw the line?

Senator SYMINGTON. People who are imprisoned because they are against the Government.

Mr. MCCONAUGHY. Solely because they are against the Government, if they are just against the Government and have not been engaged in subversion, an attempt to bring the Government down, there is quite a good chance they would not be under arrest. People who are just against the Government, who are just dissenters, are not necessarily arrested, if they keep their dissent in bounds.

Senator SYMINGTON. Have you been sworn?

Mr. MCCONAUGHY. I have.

Senator SYMINGTON. I know you have, Mr. Ambassador. But what is the name of this gentleman?

Mr. SHOESMITH. Shoesmith.

Senator SYMINGTON. Have you been sworn?

Mr. SHOESMITH. No; I have not, sir.

Senator SYMINGTON. Would you rise and raise your right hand. Do you swear that the information you give this committee will be the truth, the whole truth, and nothing but the truth so help you God?

Mr. SHOESMITH. Yes, sir.

Senator SYMINGTON. You are the head of the China Desk here?

Mr. SHOESMITH. I am the Country Director for Republic of China affairs.

POLITICAL PRISONERS ON TAIWAN

Senator SYMINGTON. Have you seen any figures on the number of prisoners, political prisoners on Formosa or Taiwan, sir?

Mr. SHOESMITH. [Deleted.]

Senator SYMINGTON. Counsel is trying to get the facts; and people are increasingly restless about what the money is being put up for.

[Deleted.]

Could I ask this question, Mr. Ambassador. Aren't you concerned about the number of political prisoners there are in Taiwan? Wouldn't that be part of your job? We believe in democracy and preach it now with military might, all over the Far East.

Mr. MCCONAUGHY. I am certainly concerned whenever there is any miscarriage of justice, Mr. Chairman. But I am not sure that the Government is as ruthless in handling this security matter as many of our people assume it is.

Senator SYMINGTON. I do not assume it.

Mr. MCCONAUGHY. [Deleted.]

Senator SYMINGTON. I am asking you a simple question.

Mr. MCCONAUGHY. I say if there is any miscarriage of justice naturally I am concerned. I feel for the victims.

Senator SYMINGTON. [Deleted.] It would not be a question of whether there was any injustice involved in the case of these people who have been incarcerated, but simply whether these people have had their freedom taken away from them because they were opposed to this regime on Formosa.

Mr. MCCONAUGHY. I have no evidence that would be the only charge, Mr. Chairman. In many cases these people could well be active Communist agents.

Senator AIKEN. Mr. Chairman, I wanted to ask the nationality of the political prisoners. What nationality are they?

Mr. MCCONAUGHY. Mostly Taiwanese, but some mainlanders, too. But, of course, as to nationality, they are all Chinese. They all owe allegiance to the Republic of China. When it comes to passport matters there is no distinction between Taiwanese and the mainlanders on Taiwan. They are all Chinese.

Senator AIKEN. Is it not possible that since 86 percent of the population perhaps ought to have more of a voice in the operation of their government, they would not necessarily have to be Communists.

Mr. MCCONAUGHY. The political prisoners?

Senator AIKEN. Yes. No doubt Communists take advantage of a situation.

Mr. MCCONAUGHY. Yes.

Senator AIKEN. But was the situation made to order for them to take advantage? I was thinking about that.

Mr. MCCONAUGHY. I would not say all of them have been held on political charges. Some may be Chinese Communist agents, but we just do not know. [deleted.]

SECRECY OF ACTION AGAINST POLITICAL PRISONERS

Senator AIKEN. If the Government of Chiang Kai-shek were thoroughly warranted in making political prisoners out of them, there would not be any reason for not making them known; would there?

Mr. MCCONAUGHY. On principle they feel this security field needs to be dealt with in a very special way. It is just not accorded any publicity.

Senator AIKEN. I see.

Senator SYMINGTON. The biggest prison I ever saw was in Shanghai in 1946. Are there some large prisons in Formosa?

Mr. MCCONAUGHY. I have not been inside one myself, Mr. Chairman. But usually the place where these political prisoners are detained is not generally known.

Senator SYMINGTON. Are they in some kind of camp, detention camp?

Mr. MCCONAUGHY. Well, there is just not any one place. I think some of them are sent to an island, Green Island, just off the east coast.

Senator SYMINGTON. Do you know how many there are on that island?

Mr. MCCONAUGHY. No, sir; I do not.

Senator SYMINGTON. Do you think anybody knows in our Government?

Mr. MCCONAUGHY. I do not know of anybody who knows.

Senator SYMINGTON. Has anybody ever asked?

Mr. MCCONAUGHY. I do not know.

Senator SYMINGTON. You never asked.

Mr. MCCONAUGHY. We in the Embassy, we do not ask directly about these matters. It is rather beyond the pale because it is considered in the security sphere. Just as during the war, I guess we, our civilians would not have probed too much into some of the actions we had to take against suspected Nazi and Japanese agents.

Senator SYMINGTON. If a Taiwanese objected to the totalitarian control of the island by the people who came over from the Chinese Mainland, are you saying that you would compare that to foreigners in wartime in the United States?

Mr. MCCONAUGHY. I am not making any direct comparison, Mr. Chairman. I am just trying to give you some feel for the psychological situation.

Senator SYMINGTON. But you did make an indirect comparison. I think that a fair statement.

Mr. MCCONAUGHY. I was trying to give you some figure of speech here which would give you an idea of how they feel. They feel this is just as serious, just as much a threat to their security, as our wartime enemies were a threat to our security at that time. I am not saying I feel that way, but I am trying to give you a feel for their feeling.

Senator AIKEN. Are political prisoners given a trial of any kind? Are their names made public?

Mr. MCCONAUGHY. Oh, yes; they do. They do not have all of the legal safeguards which an ordinary prisoner, tried under the civil law, would have, but they still have something of what they consider a rule of law.

There is a trial, there is a court, a court of several military judges, and there is defense counsel, and there are witnesses for the defense, and the defendant himself is present and can speak for himself. There is an adjudication of the evidence, and then there is a specific sentence.

Senator AIKEN. I see.

Mr. MCCONAUGHY. Which must be made known to the defendant, and he knows the charge, the formal charge, against him, too.

Senator AIKEN. Is there any difficulty in getting witnesses for the defense? Political prisoners do not just disappear in any case. Is that correct? Or do they?

Mr. MCCONAUGHY. Well, usually, after the investigation of the case, the close relatives anyway are allowed to visit the defendant, as I understand it.

Senator SYMINGTON. You see what we are after is information. We support pretty much of a totalitarian government in Greece.

This Taiwan business remains much of a mystery. What we would like to know are the facts. There is not necessarily any criticism.

Do we support, to some extent, their internal problems?

Mr. MCCONAUGHY. In what way, Senator? We do not have any internal security technical assistance.

Senator SYMINGTON. Do we give them any assistance in internal security?

Mr. MCCONAUGHY. No, we do not, and we do not have any counterinsurgency program going there. There is no insurgency really in that sense on the island.

EFFECT OF U.S. HANDLING OF TAIWANESE ON DEFENSE TREATY OBLIGATIONS

Senator SYMINGTON. Could the handling of the Taiwanese affect our defense treaty obligations?

Mr. MCCONAUGHY. In what respect, Mr. Chairman?

Senator SYMINGTON. If the Chinese are clamping down on them, wouldn't that affect our relationship? We profess to be so anxious to support democratic rule. If we found out they were being unfair to the Taiwanese, wouldn't that affect provisions of the Military Assistance Agreement?

The agreement specifically says on page 20 that the Chinese Government would use the material to maintain its internal security or its legitimate self-defense. That could mean we are either disinterested, based on your testimony as to whether or not they are using our material and supplies to suppress the Taiwanese, or that they have refused to tell us what they are doing.

Mr. MCCONAUGHY. We do not have any internal security program under MAP. There is this provision in the exchange of notes. I think that is designed for use in case there were major uprisings affecting the security and stability of the whole island. That situation has not arisen. This whole thing is not on as large a scale, I would say, this problem, as you have indicated.

Senator SYMINGTON. I was listening to Counsel. He went out there to get information for the subcommittee. He is asking the questions. I must say it astonishes me you have no idea of any kind whatever how many political prisoners they have, which is always a good way to know to what extent the general mass of the people support their government. We put out a lot of words when it comes to why we support countries. The right of self-government is a term that recently has cost us many thousand young Americans.

JAILING OF ANTI-GOVERNMENT PEOPLE

I do not know of any Americans who are in jail solely because they disagree with this Government, unless forcefully they have done something to try to bring this Government down. You probably have had more experience with Taiwan than any living American in the service today. But you say you have no idea whatever. That surprises me.

Mr. MCCONAUGHY. There are very few, I would say, who are detained just because they are dissenters against the Government. Usually it is something much more tangible than that.

Senator SYMINGTON. Like what?

Mr. MCCONAUGHY. It is something that amounts to at least a prima facie case.

Senator SYMINGTON. Of what?

Mr. MCCONAUGHY. Subversive intention.

Senator SYMINGTON. Are you subversive out there if you say "We don't believe in Chiang Kai-shek; we think that we should have a new President." Would that be considered subversion?

Mr. MCCONAUGHY. No, it would take something more than that, an intent to overthrow the government by force or conspire against the government in a way which would prejudice the government's ability to carry on the defense against the Communists in this period of national emergency. This is the sort of thing they have in mind. The charge would be along those lines.

Senator SYMINGTON. If I understand it, you say the only people who have been jailed, from a political standpoint, are those who have tried to overthrow the government, or said they were going to try to, right?

Mr. MCCONAUGHY. Something that would be of comparable seriousness to that in the eyes of the government.

ELECTION SYSTEM IN TAIWAN

Senator SYMINGTON. Have they a two-party system there?

Mr. MCCONAUGHY. No, sir. The KMT basically is the major party. Now, there are two or three little minority parties, very small. But the only party of any consqeuence is the KMT.

Senator SYMINGTON. How many times did they have an election?

Mr. MCCONAUGHY. Well, they have local elections periodically.

Senator SYMINGTON. I mean national election.

Mr. MCCONAUGHY. The first really national election is to be held this December.

Senator SYMINGTON. The first one they have had since 1949?

Mr. MCCONAUGHY. That is the election of—yes, sir, this is to elect Taiwan provincial representatives to the Legislative Yuan, the Control Yuan, and National Assembly.

Senator SYMINGTON. Did they ever run anybody against Chiang Kai-shek? Has there ever been any opposition?

Mr. MCCONAUGHY. No, not on Taiwan.

Senator SYMINGTON. I belong to a party that even had the nerve to run somebody against President Eisenhower.

Mr. MCCONAUGHY. The election of the President is indirect. The National Assembly elects the President, and I think President Chiang has been the only candidate.

Senator SYMINGTON. What percent of the vote do you think he would get if he ran?

Mr. MCCONAUGHY. Well, since he is the only candidate I think it is unanimous. I do not think there are abstainers.

Senator SYMINGTON. That is closer to the Soviet system than ours.

Mr. MCCONAUGHY. There is just no towering national figure to compete with President Chiang there. There is no plausible alternative, so you just do not expect to see a serious opposition candidate.

Senator SYMINGTON. It has intrigued me that you have no idea, this government totally dominated by one man and his group who came off the mainland onto this island, how many people are put away who oppose his regime.

REPRESSIVE MEASURES AGAINST TAIWANESE SINCE 1945

Has the Nationalist Government taken repressive measures against the Taiwanese since 1945?

Mr. MCCONAUGHY. We have been talking about this for a good while. I do not know what new angle that it is intended to introduce.

Senator SYMINGTON. Would you start off by saying what you remember since 1945, when they took such repressive measures?

Mr. MCCONAUGHY. This 1947 riot, the events leading up to it, the first case, and the only conspicuous case, that I know of that was in February of 1947.

Senator SYMINGTON. I visited General Marshall in Nanking in 1946. The situation was not clear at that time that Chiang Kai-shek was going to be thrown out of China. What were the riots in 1947 all about?

Mr. MCCONAUGHY. This was the result of dissatisfaction expressed by the Taiwanese because they did not have more voice in local governmental affairs there.

Senator SYMINGTON. Was that before Chiang Kai-shek went to the island?

Mr. MCCONAUGHY. It was before he moved the Central Government there.

Senator SYMINGTON. Yes.

Mr. MCCONAUGHY. But it was under full control of the Central Government at that time. It had been from 1945.

Senator SYMINGTON. How many were estimated to be killed in 1947, roughly?

Mr. MCCONAUGHY. I never saw any official figure. Do you have any figure, Tom?

Senator SYMINGTON. Mr. Shoesmith.

Mr. SHOESMITH. There were estimates by various American observers, not official observers, that have been made public. They have ranged from 10,000 to 20,000.

Senator SYMINGTON. When was the next major problem along these lines?

Mr. MCCONAUGHY. Nothing comparable to that, Mr. Chairman. That is the only disturbance of that nature in the postwar history of Taiwan.

Senator SYMINGTON. I could not tell for sure a Taiwanese from a Mainland Chinese, so it is——

Mr. MCCONAUGHY. Of course, ethnically they are all Chinese. The Taiwanese are originally from South Fukien Province, their ancestors came over, in most cases, 2 or 3 centuries ago, but ethnically they are fully Chinese, and their habits are Chinese, their traditions.

Senator SYMINGTON. Like the other 800 million Chinese on the mainland.

Mr. MCCONAUGHY. Yes. In some respects you might say the Taiwanese are more conservative in their family traditions because——

Senator SYMINGTON. They must have been more conservative or they would not have been kicked off the mainland. One of the sad things we face in our world wide policing is that in most of the countries of the world, when you talk about communism, you talk about what benefits in that country you might achieve, you might get, whereas in this country, when you talk about communism you talk about what our citizens would lose. If I were a Chinese peasant, or a Korean peasant, I think I might have been looking for something so as to improve my general welfare, my standard of living. That is one of the great worldwide problems.

If you have any information, either you or the State Department, about how many political prisoners are in Taiwan, will you supply it for the record?

(The information referred to is classified and in the committee files.)

## HOMILY ON PEACE

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. DRINAN. Mr. Speaker, I reproduce below a most striking sermon given by Bishop Bernard Flanagan of Worcester, Mass. Bishop Flanagan states that he regrets "the apparent deafness of our national administration to every kind of reasonable proposal for declaring an

end-date to our involvement" in the war in Vietnam.

Bishop Flanagan goes on to regret "the fact that a misguided sense of national priorities being used to justify increased military action, especially in the air, to guarantee that we can retire with a so-called victory." Bishop Flanagan's homily was given at St. Paul's Cathedral in Worcester, Mass. on June 9. Following the homily the congregation of the Cathedral of almost 1,000 individuals gave the bishop a standing ovation.

The text of Bishop Flanagan's homily on peace follows:

[From the Catholic Free Press, June 18, 1971]

TEXT OF BISHOP'S HOMILY ON PEACE

In the Gospel that we have just heard (John, 14:23) we are reminded that Jesus left as his special legacy to his followers the gift of peace. It was the mission of those disciples to be ambassadors of this peace—a peace that began in the hearts of men who knew they were reconciled to God, their Father, and which had then to overflow into their relationships with all their human brothers. In the very same address to his disciples Jesus makes this latter aspect of peace explicit—"This is my commandment: love one another as I have loved you" (John 15:12).

This legacy of Christ corresponds to the most ancient striving of man. The impassioned cry of the Psalmist which was the opening Prayer of this Mass for Peace was uttered hundreds of years before Christ: "Give peace O Lord to those who have hoped in you . . . hear the prayers of your servants and your people Israel—give peace, O Lord to those who have hoped in you." This cry is still on the lips of man today and it is more urgent and more insistent than ever. Humanity today is at a crossroads. Because of the extent and power of modern weapons we are faced with two possible paths: the creation of a durable international peace or the very real danger of total destruction.

For this reason we who are the followers of Christ and the inheritors of his legacy of peace have gathered in this cathedral church this evening to reflect on peace and pray for our violence—torn world.

If the Church is to be faithful to the legacy of Christ it must become a more active agent for peace in the world.

* * * * *

There are those who feel that the Church should not get mixed up in social problems or political issues. The role of the Church, they will say, is an exclusively spiritual one.

This objection must be rejected as a serious diminution of the scope of God's sovereignty. God's love and concern encompasses man in all his dimensions—spiritual, social, economic, political. If the Church is concerned about man it must also be concerned about real man in the real world with everything that is necessary to his total well-being.

The Church has striven from the beginning to be faithful to Christ's legacy of peace, nonviolence and servant love. For the first three centuries it bore witness to an almost absolutely pacifist position. Christians were forbidden to bear arms or shed blood.

If our young people today return to these convictions as conscientious objectors it should not be a source of scandal. Their position has ample justification in the earliest and most authentic Christian tradition.

When Christians had to assume political responsibility for the Roman Empire after the edict of Milan in 313 A.D. it was only with grave reservations that the bishops and theologians of that time condoned the active participation of Christians in military service. The theory of the "Just War" which developed at that time was an effort on the part of the Church to restrain the sword of the state and limit the occasion for violence. Similarly, the Medieval Church attempted to modify the savagery of the wars of petty rulers by such strategies as the Peace of God and the Truth of God which limited those who could be involved and the time for waging war.

In more recent times there have been few more energetic and effective agents for peace in the world community than the Popes who have served the Church in this century. Pope Benedict XV, in his famous "Note to the Belligerents" in August, 1917, broke the Church's frequent alliance with kings and rulers and spoke as the spokesman of the ordinary peoples in the world. The same tone was frequently used by Pope Pius XII and Pope John XXIII. The latter, in his final encyclical, "Peace On Earth" listed all the basic rights of every human being and insisted that durable peace would only come if these rights were respected.

For those of us who were privileged to participate in the Second Vatican Council, one of the most dramatic and instructive moments was the Pilgrimage of Peace that Pope Paul made in 1965 to the United Nations. I recall how, stooped with weariness after a 32-hour day, he came directly to the Council Chamber in St. Peter's from the airport to report on his mission. He told us that never had the Gospel message of peace, justice and love been brought to a more truly representative audience of the entire human race.

We do well this evening at this Mass for Peace to recall his words before the United Nations:

"The blood of millions of men . . . numberless and unheard-of sufferings, useless slaughter and frightful ruin (these) are the sanction of the pact which unites you, with an oath which must change the future history of the world; no more war, war never again!"

Despite this constant thread of fidelity to Christ's legacy of peace we must admit the fact that the Church has not always and everywhere been as consistent and obvious an agent of peace as should have been the case. We must be repentant and ask the Father to forgive our inertia and our human fears that may have caused this failing.

The problems of our time, however, are of such urgency that now is not the time for breast-beating but for renewed commitment and more effective action.

In this spirit, the bishops of Northern New England recently issued a Pastoral Letter addressing themselves to the moral aspects of the Vietnam conflict which has rightly troubled the conscience of so many of our people. We pointed out that according to the most traditional Catholic norms the direct and indiscriminate attack on civilians is a morally unacceptable tactic no matter what the cause. The enormous number of refugees created by our indiscriminate use of air power and the permanent ecological damage to the region are facts well attested to by officials of our own government. These realities and the grave consequences on our domestic life led us to ask if all proportion between the good we claim to seek and the evil we are in fact causing has not long since been exceeded. We felt obliged, therefore, to call into question the morality of our Vietnam policy.

I must say that personally I wished our statement had been more explicit.

I would wish also that not just the bishops of our region but all the bishops of our country could have joined in an explicit call for or leaders to stop the violence in Vietnam.

I think however, that in charity, you should realize that the reluctance of some arises not from indifference or cowardice but from indignation at the acknowledged and barbaric crimes of the other side and from a pastoral sensitivity for the deep emotions of all of their people—some of whom have lost sons and husbands in this unhappy conflict.

While we condemn the war we must not forget that it has been the occasion for some of our soldiers to perform generous acts of charity and concern for the poor and suffering people of this country.

At this stage of the conflict, we seem to have reached a growing consensus among our people and especially religious leaders and the young that the multi-faceted violence involved in this war must be brought to an end.

We regret the apparent deafness of our national administration to every kind of reasoned proposal for declaring an end-date to our involvement.

We regret the continued, unauthorized expansions of the war which are being gradually uncovered by the news media—such as the massive military involvement in Laos reluctantly admitted to Congress in secret session only this week.

We regret the fact that a misguided sense of national pride is being used to justify increased military action, especially in the air, to guaranty that we can retire with a "so-called victory."

While we pray this evening that peace may come, we must recommit ourselves to support the efforts of all those who can bring about a speedy end to the situation we have described.

What we must realize as we make our diocesan commitment to work for peace this evening, is that peace in the world will not be achieved when the Vietnam conflict is over. It is a never-ending task and challenge that will be ours for decades to come.

The "Constitution On The Church In The Modern World" of the Second Vatican Council tells us:

"Peace is not merely the absence of war—nor can it be reduced solely to the maintenance of a balance of power between enemies . . . instead it is called "an interprise of justice" (Is 32:7). The common good of men is in its basic sense determined by the eternal law. Still the concrete demands of this common good are constantly changing as time goes on. Hence peace is never attained once and for all, but must be built up ceaselessly" (No. 78).

Justice and love are the tools with which the hard work of building a lasting peace is accomplished. These virtues, however, cannot be allowed to remain ephemeral ideals.

The task of the Christian layman is to determine the practical policies and programs that will best realize these virtues. He must then work strenuously to see that these policies are implemented in the political and social order.

A concern for justice then will lead him to take seriously the specific suggestions offered by Pope Paul in his encyclical on "On Development of Peoples" concerning: generous and altruistic foreign aid to the poorer nations, fairer trade policies that will prevent the exploitation of their natural resources, restrictions on the capitalistic system.

A concern for love and true brotherhood will lead the Christian layman to support the limitation of devastating nuclear weapons and work for disarmament. He will be an enthusiastic supporter of the United Nations and other attempts at a world community and cooperation.

Those in a position to do so should foster education of our people in their parish societies and religious educational programs on

these issues so that a true "peace-mentality" may be built up among all our people. All of these are ways we can express our commitment to working for peace.

Less than two years ago we were all thrilled to see the view of the earth from the moon. From that perspective, the earth appeared for what it truly is—a tiny green sphere in the ocean of space. How insignificant and, indeed, absurd the conflicts and divisions of its inhabitants appeared from that vantage point.

At this point in the evolution of humanity we have the greatest opportunity for cultivating a spirit of world unity so that we may truly see every man as our brother. Then the Christian vision of humanity can be realized: "there is one Body, one Spirit, just as you were all called into one hope . . . there is one Lord, one Faith, one Baptism and one God who is Father of all" (Eph. 4:4).

Let us pray and work that it may be so!

## THE WAR: THE RECORD AND THE UNITED STATES

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. MURPHY of New York. Mr. Speaker, since this whole curious business of the so-called McNamara or Pentagon papers reached print in the New York Times, the country has witnessed a tug-of-war between the Government and the press that tends to obscure the documents themselves.

Newsweek magazine put the issue in proper perspective when it pointed out that the study itself has "its own serious shortcomings." Indeed it has. It is based on partial information assembled by men with a predisposition to find villains in the high consuls of Government. It is poor history, and even poorer political analysis.

Walt W. Rostow, who served President Johnson with honor and distinction as principal foreign policy advisor, has responded to the public discussion of the Pentagon study, and in particular to a column by Times correspondent James Reston. I invite my colleagues' attention to Mr. Rostow's rebuttal article in the New York Times of June 22, 1971, as it very clearly places the moral questions in their proper perspective. It dispells the notion, which the incomplete Pentagon study promotes, that the United States of America, and its highest officials, acted in a moral vacuum in developing American policy in Southeast Asia. In fact, the very opposite is true, and it is important for the American people to know the truth.

Publication of the Pentagon study, incomplete and biased as it is, does a great disservice to this Nation. I urge all who read about it to bear in mind its inherent weaknesses, and to be mindful of Mr. Rostow's eloquent discussion of the true moral issues involved.

THE WAR: THE RECORD AND THE U.S.

(By W. W. Rostow)

AUSTIN, TEX.—Mr. Reston's column of June 13, 1971, says this:

"One of the many extraordinary things in this collection is how seldom anybody in the Kennedy or Johnson Administrations ever seems to have questioned the moral basis of the American war effort." He mentions me among others who "concentrated on pragmatic questions . . . rather than whether they were justifiable for a great nation fighting for what it proclaimed were moral purposes."

Mr. Reston is quite wrong. The moral and other bases for the position I held—and hold—on American policy in Asia are set out in "The Prospects for Communist China" (1954); "An American Policy in Asia" (1955); "The United States in the World Arena" (1960); as well as in a good many other pieces, including a talk at Fort Bragg in June 1961 and a number of memoranda written as a public servant which have somehow not yet found their way into the New York Times. My colleagues can speak for themselves, but I am sure their views were as deeply rooted as mine.

I raise the matter now not in personal defense, for I feel no need for that. I do so because the relation of morality to the national interest has been a peculiarly different problem for Americans (as George Kennan, for example, has lucidly pointed out) and because the question is dangerously bedeviled in current discussions of foreign policy. For reasons that reach back to our birth as a nation, out of the ideas of the Enlightenment, we have tended to oscillate between high-flown moralism and a highly pragmatic pursuit of conventional national interests.

There are moral issues involved in supporting the pursuit of the national interest—ours or anyone else's. And they are not simple.

First, and above all, is the question of pacifism. For any reasonably sensitive human being the rejection of pacifism does not come easy. War is ugly and sinful. But pacifism requires an acceptance of all the consequences of never fighting. And this most Americans, including myself, cannot do. That means, however, that all national policy—like the human condition itself—is morally flawed because it envisages war as an ultimate sanction and contingency.

Second is the question of whether the defense of American interests runs with or against the interests of those most directly affected. In Asia this has meant, for example, answering the questions: Did the South Koreans in 1950 and the South Vietnamese in 1961 and in 1965 want to fight for an independent destiny or did they prefer to go with the Communist leadership in Pyongyang and Hanoi? (I can attest that it was this question President Kennedy felt he had to answer above any other before making his critical commitments to South Vietnam in November-December 1961.)

Third is the tactical moral question of conducting war, if it comes, so as to minimize damage to civilian lives. The history of war suggests this is never easy nor wholly successful; but it is clearly a part of the problem and a legitimate claim on the nation and its armed forces.

Fourth is the broad question of whether the raw power interests of the nation, in general, are decent and morally defensible in at least relative terms. I have for long taken the power interest of the United States to be negative: to prevent the dominance of Europe or Asia by a single potentially hostile power; and to prevent the emplacement of a major power in this hemisphere. These objectives demonstrably accord with the interests of the majority of the peoples and nations of Europe, Asia and Latin America. We could not have conducted our post-1940 foreign policy if this were not so. This convergence of our interests with theirs is reflected in treaties and other agreements which have been approved in accordance with our constitutional arrangements and those of other nations. In the world as it is, I find our power interests, as I would define them, to be morally legitimate.

Fifth is the moral question of the nation's word, once given. For a great nation to make the commitments we have to Southeast Asia involves a moral commitment to stay with them. I believe it immoral to walk away from our treaty commitments, which other nations and human beings have taken as the foundations for their lives in the most literal sense.

I do not detect any thoughtful weighing of these inherently complex moral considerations in Mr. Reston's casual *obiter dicta*. What I do detect is a slipping into *realpolitik* in the next column. What he implies is that, for reasons he does not explain, the fate of South Vietnam ceased at some point to relate to the fate of Southeast Asia as a whole. Mr. Reston appears to have unilaterally repealed the domino theory. As late as 1969, when I last toured Asia, there was great and widespread anxiety from Tokyo to Djakarta about the consequences of premature American withdrawal from the area. And I would guess that anxiety is at least as high today. This is not a moral but a factual question and a matter for judgment on the basis of evidence. We ought to able to discuss it in a mature and dispassionate way.

In many years of debate about Southeast Asia, I have studied with care and sympathy the views of those who arrived at judgments different from mine. The issues at stake are such that, as Mr. Rusk used to say, they ought to be approached on our knees. My most profound objection to those who would withdraw our commitment to the defense of the area is the sanctimony with which they sometimes clothe their positions.

It is time for all of us to recall these words of Dean Acheson: "On one thing only I feel a measure of assurance—on the rightness of contempt for sanctimonious self-righteousness which, joined with a sly worldliness, beclouds the dangers and opportunities of our time with an unctuous film. For this is the ultimate sin."

## STRIP MINING AND THE RESPONSIBILITY OF CONGRESS

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. MAZZOLI. Mr. Speaker, the problem of strip mining and its damage to the environment is becoming especially acute in many coal-mining States such as my own State of Kentucky. Thousands of acres of stripped land are often left unreclaimed or unreclaimable. While it is essential that the Nation's energy needs be met, and that jobs in the coal-mining areas be protected, Congress has a clear and present responsibility to enact legislation with respect to strip mining of coal and other minerals in the United States before it is too late.

There is an informative article in this week's Newsweek magazine, entitled "Peeling Back the Land for Coal." I wish to insert this article in the RECORD for the information of my colleagues and of

all who care about the preservation of our precious environment:

PEELING BACK THE LAND FOR COAL

From 500 feet in the air, the patch of Belmont County in eastern Ohio looks like the light side of the moon: as far as the eye can see stretch ribbons of tan, boulder-pocked rubble, treeless and bleak. The moonscape's only color is offered by dead water trapped in gullies, blue-green with algae in some spots, blood-red with killing acids in others. And at ground level the sight can be just as chilling. Driving across the Western Kentucky Parkway in the dead of night, through coal-rich Muhlenberg or Hopkins counties, a motorist feels like a science-fiction tourist. Giant power shovels loom like eerie monsters, the floodlights on their superstructures giving them a War of the Worlds quality, their huge buckets screaming like bull elephants as they tear into the earth.

But this is no fantasy. It is the sight and sound of strip miners, slowly but surely chewing their way across tens of thousands of acres of land in 26 states ranging from Pennsylvania in the East to Washington in the West. The prize is an estimated 130 billion tons of coal.

After two decades of dwindling status King Coal is coming back. With energy demands slated to triple in the next 30 years, oil and gas reserves are being exploited faster than new ones are being discovered, and nuclear development is behind schedule. But known coal reserves are fully adequate to meet the nation's energy needs. "A new day is dawning for coal," Carl Bagge, president of the National Coal Association, told his members last week at a Washington convention. "The '70s will be the decade in which coal achieves its natural birthright as the principal energy source for the nation."

If Bagge is right—nobody seriously disputes the thesis—increasingly large portions of this coal will be mined by stripping rather than conventional deep-shaft methods. Stripping dates back all the way to 1832, when miners on Mauch Chunk Mountain in eastern Pennsylvania first used dynamite, picks and shovels to uncover a seam of anthracite. But in recent years the development of huge new machines has brought such staggering new capacity that stripping has almost become a new phenomenon—one that is seriously alarming ecologists, citizens who live near the stripping grounds and state and national lawmakers.

In the Appalachians, mountainsides are being bulldozed into the valleys to expose underlying layers of coal or prepare the way for giant augers—drills up to 5 feet in diameter—to chew into coal seams. On the rolling, wooded lands of southern Ohio, Illinois and Indiana, the bulldozers merely slice the vegetation off to prepare the way for monstrous shovels that can literally peel off a layer of dirt and rock 150 feet thick to get at a stratum of coal. Both the machines and the process nearly defy description. There is, for instance, the Hanna Coal Co.'s Gem of Egypt, a shovel with a 200-ton bite, a boom ten stories high and a body so big it contains a shower room for the crew. Powered by a 7,200-volt power plant, the Gem consumes more electricity each day than all of St. Clairsville, a town of 4,604 near the shovel's work site in Belmont County, Ohio.

Thanks to the Gem and others like it, stripping this year will amount to nearly 40 per cent of total U.S. coal production, as compared to 34 per cent as recently as 1968 and a minuscule 1 per cent 54 years ago. The industry argues that even more stripping is economically inevitable; with the giant machines, a dozen men can mine as much coal as 100 underground miners. Adding to the argument, the Coal Mine Health and Safety Act of 1969 raised underground costs still higher. In fact, a good many smaller operators have closed down entirely, leaving the field to the big companies—and, increasingly, to major steel and oil companies that have bought out the old coal kings. The oil industry now owns 30 of the 50 biggest coal producers, and controls 35 per cent of coal production; Humble Oil Co. alone owns 6 billion tons of coal reserves.

The tragedy is that the apparent economy and efficiency of stripping are grossly misleading, since the cost on the companies' books doesn't include the lasting damage that stripping inflicts on the countryside. Already, some 3,000 square miles of America have been ravaged by strip mining; according to the U.S. Geological Survey, only about a third of this land has been given any reclamation work at all. Moreover, at least 10,000 miles of waterway have been fouled by acids and life-sapping siltation caused by the changes in earth strata and contour. Sums up Dr. Gordon MacDonald of the President's Council on Environmental Quality: "An area almost the size of Connecticut has been scarred. By 1980, at present rates, another Connecticut will be added." Even that would be comparatively small; in the long run, the Geological Survey estimates that there are 71,000 square miles of America that can be profitably strip mined—an area nearly the size of Connecticut, Maryland, New Jersey and New York combined.

Wasteland: While stripping pocks the land from Scranton, Pa., to the West Coast, much of it is concentrated in West Virginia, Ohio, Kentucky, Illinois and Indiana. Perhaps nowhere can one better grasp the all-pervasive effect of strip mining than in Ohio's Belmont County, where 200,000 of the county's 341,000 acres have been leased, sold or optioned to strip-mine operators. Some 40,000 acres have already been stripped.

The Egypt Valley, once a fertile, 30-mile stretch dotted with 50 farms and the crossroads village of Egypt, now is a wasteland—the playground of the ironically named Gem of Egypt and her smaller siblings, the Silver Spade and the Mountaineer. The little village of Hendrysburg, a cluster of soot-covered homes near the I–70 interstate superhighway, shakes periodically with dynamite blasts just over the hill. Foundations have been cracked, residents have been knocked off their feet and the town's water supply has been affected by cracks in the aquifer, the subterranean layer that traps water for wells. A few of the town's residents have tried to fight the strippers in court, but the complexity of the law and the power of the coal companies have worn them down. When Newsweek's Tom Joyce and James Bishop Jr. visited Hendrysburg two weeks ago, they were met by citizens on their front porches with hollow expressions of defeat. "There just ain't nothin' we can do," said one gnarled old-timer. "They have the power and the money. We don't have nothin'."

The coal companies argue, with considerable justice, that their operations are necessary to fuel the nation and benefit at least some people even in the ravaged areas. Strip mining brings jobs to at least a few truck drivers and bulldozer operators, and royalties to local landowners that range from 10 or 15 cents a ton to as much as 45 cents a ton. In Pikeville, Ky., bankers say that more than 50 of the town's 4,400 residents have been made millionaires by coal.

But the cost remains to be counted. "Strip mining," says West Virginia Congressman Ken Hechler, leader of a Congressional fight to ban it altogether, "is like taking seven or eight stiff drinks. You are riding high as long as the coal lasts, but the hangover comes when the coal is gone, the land is gone, the jobs are gone and the bitter truth of the morning after leaves a barren landscape and a mouth full of ashes." And more and more coal-field communities and coal-state legislatures—as well as their representatives in Washington—are coming to that same realization, and pressing for stiff new laws that would force the strippers to repair at least some of the ecological damage they do.

Laws: Repair is the best that can be hoped for; it is flatly impossible to restore the stripped land to anything like its former condition. But local laws governing reclamation range from barely adequate to nonexistent. In Pennsylvania, for example, anthracite miners need only bulldoze their spoil banks into a semblance of the original contour of the land; no seeding, mulching or fertilizing is required. Of 26 states with extensive stripping operations, only nineteen have any reclamation laws at all. And of the existing laws, Interior Secretary Rogers C. B. Morton says bleakly: "I just don't know whether they are being enforced."

Indeed, reclamation is very largely a voluntary affair. And even as they fight tougher legislation in Congress and the state legislatures, the mine operators promise in speeches, advertisements and interviews that they intend to do their part. "It is hard to defend what happened in the past," concedes Carl Bagge, "but the future will be different. The operators are not the same as the people who stripped Kentucky in the 1930s."

Ironically, the Hanna Coal Co., a Continental Oil Co. subsidiary and a major despoiler of the land in Belmont County, has shown what can be done in reclamation, given the money and commitment. Only a few miles from the desecrated Egypt Valley, the company has made a showcase of the 155-acre Sallie Buffalo Park, which has a lake stocked with game fish and offers land for camping. (However, it hardly resembles a wilderness area; there are precious few trees taller than a man.)

So far, according to Hanna president Ralph Hatch, a lay preacher of the Plymouth Brethren who travels from mine to mine with an open Bible on the front seat of his car, his firm has reclaimed about 75 per cent of the 4,000 acres it has stripped in Belmont County. However, the great bulk of it is planted only with crown vetch, a legume of debatable virtues. Hatch argues that crown vetch has more protein than alfalfa and "does a superb job in controlling erosion. Already we have 1½ to 2 inches of humus built up on the raw spoil." But an Agriculture Department official questioned both the nutritional value and the humus-building qualities of crown vetch. "For what it is used for, it is excellent," he conceded, "but that doesn't mean you can compare it with other legumes and grasses that won't grow on spoil banks."

Cost: The main issue in reclamation is obviously money. Ideally, the original topsoil should be set aside and replaced on the graded spoil banks—but that would require more men, machines and time, and major outlays. In the case of Sallie Buffalo, Hanna Coal spent a total of $130,000 to reclaim the 155-acre park, much more than the $450 an acre the company says it spends in other areas. Joseph A. Corgan, head of the environment division of the U.S. Bureau of Mines, estimates that satisfactory reclamation might cost anywhere from $300 an acre, or roughly 10 cents per ton of coal, to $3,000 an acre in difficult cases.

A good many technical problems also remain to be solved. When geological strata are extensively torn up, for instance, the leaching of liquids through the rubble produces unpredictable quantities of acids and such potentially poisonous metals as mercury, cadmium and magnesium. The ecological balance of entire regions may be affected.

In Lackawanna County, Pa., for example, the U.S. Army Corps of Engineers spent nearly $2 million to build a dam and recreational lake less than a mile from a strip mine. But soil acids released by the mining have washed into the stream that feeds the lake. Last month, biologists found no living creatures in the lake, despite an extensive stocking with fish a few months earlier.

Whether such problems will be solved, and whether the strippers will spend the money needed for reclamation, clearly depends mainly on passage of strong new legislation. And after years of indifference, there are some signs of progress. Even though poverty-stricken West Virginia needs every dollar it can earn from coal, the state passed a compromise bill earlier this year banning strip mining in 22 of its counties for two years and doubling the maximum bond that companies must pay to guarantee reclamation efforts. In the past, some miners have found it cheaper to forfeit the bond than try to repair the land; now they must put up as much as $1,000 per acre.

In Washington, there are a total of nineteen bills in the hopper. At the extreme, Ken Hechler's bill would ban strip mining altogether, forcing the miners to go underground. A bit more feasibly, the Nixon Administration has introduced a bill that would establish Federal requirements for reclamation and give the states two years to meet them.

Before the end of the year, Congress is expected to pass a compromise bill stiffening the present rules—and it will come none too soon. While the Gem of Egypt and the other monsters can now devour the geography to a depth of 150 feet, the day is not far off when even bigger behemoths may be able to reopen reclaimed land and dig down to 2,000 feet, causing an ecological upheaval that can now only be guessed. As Rogers Morton summed up the nation's choice when he submitted President Nixon's proposal for a Mined Area Protection Act: "We stand at the threshold of an inevitable confrontation between energy needs and preserving our finite environment."

## TYLERTOWN TIMES RATED BEST SMALLTOWN NEWSPAPER IN MISSISSIPPI

### HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. GRIFFIN. Mr. Speaker, recently a small town newspaper in the Third Congressional District won the better newspaper contest sponsored by the Mississippi Press Association. This makes the seventh consecutive year that this outstanding award has been won by the Tylertown Times. It is due, in no small part, to the dedicated efforts of one of the most outstanding weekly newspaper editors in the Nation, Paul Pittman. Under his leadership, the Tylertown Times has continually adhered to the very highest principles of journalistic excellence and has more than adequately filled the newspaper needs of Walthall County, in which it is located. Further, the editorial commentary and political observations of the editor have made him respected for his responsibility and judgment. Mr. Speaker, I want to extend my congratulations to Mr. Pittman for this well-deserved honor. As a part of my remarks, I include an article from the June 10, 1971 issue of the Tylertown Times, describing the award. It follows:

SEVENTH STRAIGHT YEAR—TYLERTOWN TIMES RATED "BEST SMALLTOWN PAPER"

The Tylertown Times has been judged the best small town newspaper in Mississippi for the seventh straight year.

The recognition came to The Times Saturday at the conclusion of the Mississippi Press Association Better Newspaper Contest. Winners were announced at the association's annual convention in Biloxi.

In addition to placing first in general excellence, which covers both editorial and mechanical departments of the paper, The Times editorial page was rated as the best of any weekly newspaper in the state.

The local newspaper also won a third place in the best advertising idea category. Their entry was a series of advertisements featuring local merchants who are regular advertisers in The Times.

"The Tylertown newspaper was of great interest to us and caused more comment and discussion than any of the other entries," said Dr. Ben Brown of the journalism department of Memphis State University.

Dr. Brown, who made the awards Saturday, said that the judges found The Times to be "professional, innovative, and highly attuned to serving its readership area. It is a most unusual newspaper for a small community."

As a matter of fact, south Mississippi newspapers dominated the contest. In addition to the awards won by The Times, the McComb City newspaper was judged the best daily newspaper in its class. The McComb paper's editorial page was rated best of all daily papers in the state.

In the general excellence category, The Calhoun County Journal in Bruce placed second. The Ocean Springs Record was second behind The Times in the editorial page division.

New officers for the Mississippi Press Association include Paul Pittman, editor of The Times. Pitman was named to the Board of Governors of the organization.

Joe T. Cook of Louisville was elevated to the post of president of MPA. He is a past-president of the National Editorial Association.

## PLIGHT OF SOVIET JEWRY

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. SCHEUER. Mr. Speaker, on Friday, June 18, 1971, 41 Members of Congress and I sent a letter to President Nixon asking him to make a statement on the plight of Soviet Jewry. Although the State Department has made a statement on this issue we believe that it is time for the President to make a forceful personal appeal to the Soviet Union on behalf of Soviet Jewry.

The Soviet Government is sensitive to world opinion. It has repeatedly responded to public appeals and media pressure in the past. A strong personal statement by the President could influence Soviet policy toward its Jewish minority.

The Jews in the Soviet Union are denied the rights guaranteed to them by the Soviet Constitution and the United Nations Universal Declaration on Human Rights, to which the Soviet Government is a signatory. Soviet Jews are denied the right to emigrate, they are denied the right to worship in their own way, to study Yiddish or Hebrew, to have their own schools, to maintain healthy Jewish cultural activities such as Yiddish theater and press.

The efforts of the President and Congress must not cease until Soviet Jews, and minority groups in all lands, are granted all the rights enjoyed by citizens in freedom-loving countries.

The text of the letter follows:

JUNE 18, 1971.

The PRESIDENT,
*White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: On June 1, in Kishinev, the Soviet Union will begin the trial of nine Jews linked by Russian authorities to the alleged June 1970 skyjacking attempt. As the State Department has said about the trial of four Jews in Riga connected with the same incident, "it would appear that the defendants (are being) tried for actions which are not even considered a crime in most countries." This trial is thus another example of the failure of the Soviet government to treat its Jewish citizens in accord with the Soviet Constitution and the Universal Declaration of Human Rights.

We believe that the time has come for you, as the nation's spokesman in foreign affairs, to speak forcefully on the subject to the Soviet government.

The Soviet government is sensitive to world opinion. It has been responsive to public appeals. We are convinced that a statement from you, as the only public official elected by the entire nation, could have a desirable effect in changing Soviet policy toward its Jewish minority.

Therefore, we call upon you to make a public statement on this issue and to urge the Soviet government to take affirmative action to grant Soviet Jews the full rights enjoyed by citizens of all freedom-loving nations.

Sincerely,

Bella S. Abzug, Joseph P. Addabbo, John B. Anderson, William R. Anderson, Herman Badillo, Mario Biaggi, Jonathan B. Bingham, John Brademas, Frank J. Brasco, Shirley Chisholm, George W. Collins, James C. Corman, Bob Eckhardt, Joshua Eilberg, Dante B. Fascell, Donald M. Fraser, Bill Frenzel, James G. Fulton, Edward A. Garmatz, Ella T. Grasso, Seymour Halpern, James M. Hanley, Michael Harrington, Ken Hechler, Lawrence J. Hogan, Edward I. Koch, Peter N. Kyros, Mike McCormack, Joseph G. Minish, Parren J. Mitchell, F. Bradford Morse, John E. Moss, Claude Pepper, Bertram L. Podell, Donald W. Riegle, Benjamin S. Rosenthal, William F. Ryan, James H. Scheuer, Robert L. F. Sikes, Charles A. Vanik, Jerome R. Waldie, Sidney R. Yates, Members of Congress.

## THE JURY SYSTEM FROM A JUROR'S PERSPECTIVE

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. HOGAN. Mr. Speaker, the high school debate proposition for the school

year 1971–72 is, *"Resolved,* That the jury system in the United States should be significantly changed." During the next few months, more than 150,000 of the Nation's brightest high school students will be focusing their attention on the strengths and weaknesses of the jury system throughout our country.

One perspective these students should carefully consider in formulating positions on jury reform is the perspective of the jurors themselves. In their research, student debators will undoubtedly analyze the ideas of judges, prosecutors, defense attorneys, law professors, and lawmakers who have strong views on retaining or modifying the present system. But they should also examine the views of the thousands of men and women who have served as jurors, for these people may have many excellent suggestions for change and reform.

The following article was written for the Sunday magazine of the Washington Sunday Star last year by a woman who served as a juror in the District of Columbia. It provides several good insights into the operation of the jury system in the Nation's Capital. In submitting this article for publication in the CONGRESSIONAL RECORD, I would hope that local newspapers in many parts of the country will be inspired to seek out articles by jurors in their own localities. These articles would assure that in the national debate on the jury system, the views of jurors will not be overlooked.

This year's national debate proposition offers a splendid opportunity for many Americans to think critically about one of the fundamental institutions in our legal system:

[From the Washington Sunday Star, Mar. 15, 1970]

THE COMPLEAT JUROR

(By Joan Larson)

If you live in the District and the words strike terror in your heart, don't panic. You may be called soon, but if you accept your "duty" with an open mind, the experience could be interesting—even fascinating.

I served my month and found it enjoyable. For what it's worth, here's a preview of coming attractions, if you're going to be in real life what you see so often on crime shows on television.

First, if you are over 18, the R. L. Polk Co. has noted your name in the city directory. This information is fed into a computer, which picks, say, every 11th name (depending upon the estimated number of jurors needed for a six-month period).

The company mails you a questionnaire (to be returned in 10 days) that determines if you are qualified. This is the time you can ask to be excused if you're eligible. Grounds for excuse include persons over 70, practicing nurses, ministers, physicians, surgeons, dentists and lawyers. Also on the excused list are members of the armed forces, firemen, policemen, teachers and women with children under 10. In the old days women were automatically excused on request but no longer.

You may be deferred for pressing personal or business reasons but you'll possibly be recalled later. Once the questionnaire clears the police check, your name goes on a "qualified wheel." Each month some 300 names are drawn at random from it for jury duty. Seven to 10 people are called to get one qualified juror, what with deaths, drunks (disqualified) excuses and exceptions.

A postcard notifies you to report on the first of the month to the 4th floor juror's lounge at the U.S. District Court at Constitution Avenue and 3rd St. NW. Be there by 9 a.m. sharp. There's roll call daily.

Mrs. William D. Hanson, a patient and gracious lady, presides over the jury lounge and assigns prospective jurors to cases. The lounge is "home base" for the month. Jurors report there daily at 9 unless assigned to a case, in which event they go directly to a court room. The day ends at 4 for nonjurors and usually later for jurors on a case. It all depends on the judge's working habits.

No one can leave the jury lounge without permission. There are rest rooms and dictation rooms there plus tables, chairs, a television room and a legacy of old puzzles, games, books and magazines left by past jurors. The outside world can call and leave a message, which you can return from one of the phone booths in the lounge. Otherwise, you remain fairly incommunicado. When you're on a jury, only urgent messages get to you.

While deliberating a case, the jury lunches together "on the house" in a private basement dining room under the watchful eyes of two marshals.

Despite these restrictions, it is possible not only to survive jury duty but to thrive on it, if you exercise a little ingenuity and imagination. So stop looking for excuses and get on with your sentence.

For jury duty, like everything else in life, it's important to be prepared. You will sit for endless hours, days even, in the lounge waiting to be called for a jury. Once called, you may be "deselected" for your looks, personal experiences and who-knows-what-all. Once chosen, you'll sit for more endless hours hearing the case and then again deliberating and coming to a decision. The point is to make your waiting time pleasant and/or even productive.

You can tell the old hands at jury duty. They come with "survival kits"—briefcases and shopping bags stocked with books, magazines, puzzles, cards, knitting and such. They also grab off the most comfortable seats in the house or make a beeline for one of the three dictation rooms off the main lounge and set up temporary headquarters there.

In your kit, along with your busy work, tuck a thermos of coffee, tea, etc., and a snack. There's no eating in the jury lounge but you can always sneak off to a dictation room. This comes in handy too if you're actually on a jury, which every once in a while happens.

Waiting to be assigned to a case can be a great time to catch up on correspondence or, if the season is right, to do your Christmas cards. You can knit a sweater, or learn chess. Card fiends gravitate almost automatically toward each other. The possibilities are endless.

Around noon you're dismissed for lunch, which can last anywhere from an hour to several hours, depending upon whether you're on a jury or the judge's timetable.

Lunchtime is where the truly adventurous are separated from the meek. You can get a cafeteria pass and eat the inexpensive and unimaginative food served in the courthouse basement cafeteria or grab a standup bite in their snack bar. The apex of lunching is to charm one of the judges into inviting you to their private dining room.

Or you can go on an international food bender in a six-block radius—to the Capitol for the famed bean soup and corn bread, over to Don Pedros for Mexican food served behind beaded curtains; to the Vita health store if you're a calorie counter or health food buff; to The Ranch for chili or the Peking for a Chinese feast. The National Gallery has a good cafeteria and the Monocle on Capitol Hill is worth a trip.

If you're a museum-goer, you can take in the National Collection of Fine Arts, the National Portrait Gallery, the Museum of History and Technology, the Museum of Natural History and the National Gallery. They often have special lecture series that are excellent. Or you can browse in the nearby Archives building.

There are a couple of auction houses—Sloan's and Weschlers—in the area, if you like antiques.

In short, jury duty need not be a drag. You may meet a fascinating cross-section of people and pick up some interesting information on the law. One little old lady, after hearing the lawyers repeatedly request permission from the judge to "approach the bench" (have a whispered conference with the judge), asked permission to approach the bench herself. The judge granted her request.

During my month on jury duty I turned out a needlepoint pillow, read several lengthy books, sent out Christmas cards, caught up on my correspondence, revamped my recipe file and address book, and took in the weekly movie on civilization at the National Gallery as well as serving four times as a juror and once as an alternate.

You even get paid for your work. Nongovernment employees are paid at the rate of $20 a day plus 10¢ a mile. Government workers get transportation only. You receive an attendance certificate at the end of your service.

Recent figures from the Metropolitan Police show that more people were robbed, slain or raped in Washington last year than ever before, so the computer will be busier than ever, selecting juries.

I can relax. I'm not eligible to be called for another two years. By that time there should be a whole new bag of things to do and see.

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## BALTIC STATES ANNIVERSARIES

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### HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. GALLAGHER. Mr. Speaker, on this occasion we mark a sad action 30 years ago when tens of thousands of Baltic citizens were departed to Siberian slave labor camps. These large-scale deportations of Estonians, Latvians, and Lithuanians continued after World War II.

These proud peoples, who have lived peacefully on the shores of the Baltic from time immemorial, never have experienced such an extermination and annihilation in their long history.

The three nations, although losing more than one-fourth of their entire population, nevertheless have waged an intensive fight for freedom.

Mr. Speaker, I feel it is important that we pause and reflect on these actions so that the history of the three nations is well known to all. I also include below the text of House Concurrent Resolution 416, adopted by the House June 21, 1965, on a 298-to-0 vote and unanimously passed by the Senate on October 22, 1966:

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.

## SCHAFER HIGH SCHOOL

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. DINGELL. Mr. Speaker, my good friend and colleague, Congressman WILLIAM D. FORD, delivered the commencement address June 16 at the Schafer High School, in Southgate, Mich., which includes among its students residents of both his district and mine.

Congressman FORD's talk to these youngsters on the completion of their high school education was a truly inspiring message, challenging them to take an active role in society. He asked the students:

Will thoughtful historians record the class of '71 as honestly concerned citizens who awakened this nation and its leaders to the destruction of man's environment, and who fought to eradicate war, poverty, ignorance, prejudice and violence?

Congressman FORD told the class:

You have in my opinion an unparalleled opportunity to work for an America at peace with the world and at peace with itself.

Mr. Speaker, I think this excellent message to today's youth should have wide exposure, and for this reason I offer it at this point in the CONGRESSIONAL RECORD:

COMMENCEMENT ADDRESS

(By WILLIAM D. FORD)

As I thought over what I might say to you here tonight, my mind went back over similar speeches that I have been compelled to listen to.

All of you, the class of '71, your families, your friends, the faculty, and the honored guests are, just as I have been, a captive audience for the speaker. The commencement speaker is as much a part of the tradition and ritual of graduation as the cap and gown, although not necessarily as colorful.

In traditional form, my address to you should be filled with glowing cliches about hordes of untried young people about to experience the great glory of emergence into the real world.

That real world is generally described as a "great, wide, wonderful world," bursting with opportunities for wealth and fame, and ready and waiting for those of you who are possessed of the magic sheepskin.

Always a part of such a speech are the ominous references to the grave and serious problems yet to be solved. In those I was forced to listen to, these generally fell into the category of preventing or curing wars and depressions.

Commencement speakers seem to be talking to the graduates this year mainly about the war and drugs, emphasizing the astonishing conclusion that these are very bad things and may even be injurious to your health. But the political commencement speech is not very helpful these days, if it ever was, for the malaise in the country among old and young alike is not primarily political but philosophical.

Somehow, however, the speeches I heard while sitting where you sit tonight tended to leave the impression with me that I wasn't really expected to have much impact on the great problems of the day nor was I really expected to find their solution by anything I might do in a direct or personal way.

The impression was rather that, by simply entering the so-called mainstream of life, and by following the most direct road toward individual fame and fortune in my chosen field or profession. I would be doing all that anyone expected.

I am afraid that too many of us who sat in the audience were willing to accept the idea that we were individually impotent in terms of our impact on the so-called "system" and the condition of our country and the world.

Sadly enough, the so-called silent majority still seems to believe this.

So maybe this new generation is not so different after all. They are our children with our own features, yearnings and hypocrisies, only they are more visible and vocal and open in expressing their rebbellion about the tangles of life. They look and sound more different than they are—TV and the press having dramatized the differences—but most of them don't even look or sound so different, only more interesting.

For me, or for anyone else, to stand on a platform like this and suggest to the young adults sitting here that you are about to have your eyes opened to the real world for the first time by the simple magic of this ceremony or any of my remarks would be a gratuitous insult to you individually and as a representative group of the bright young Americans of this generation, a group of which I believe to be a typical sample.

Some will try to tell you that you are different from other people in schools across the country. But I have visited many of those schools, in many states, and I can assure you that you are not different.

The young people of America represented by the class of '71 are already showing more concern for our country and its future than any group that has gone before them.

It is only realistic to expect that that part of our population upon whom the burden of a prolonged war in Indo-China and the unsigned peace treaties of World War II and Korea falls most directly must surely feel the imperatives of a real world.

Most of you were born seven or eight years after the last World War. You were seven years old when John Kennedy campaigned for the Presidency, ten when he was killed, twelve when the American ground and air war started in Vietnam. In short, the time of your active memory has been one of unrelieved turmoil, change, confusion, doubt and temptation.

You will embark upon your careers or continue your education after today in a world that scarcely remembers peace and a country less at peace with itself and its people than at any time since the Civil War. If you stop to think about it, one-half of Americans alive today, and all of the class of '71 have not lived one day of their lives when armed American boys were not facing a hostile enemy across a foreign border.

The world and the people of our country do not face today's massive and awesome problems because no one in America has tried, or no one in America has sacrificed, or even that no one in America has succeeded in meeting this challenge.

The tragedy is that more of us have not cared enough, or tried enough, or sacrificed enough, to build a society that fulfills the American dream of which you have heard throughout your years in school.

Some people in this country are trying to escape any risk of failure by saying "the system won't work, so why try?" This statement is most often heard from people who have not made any real and sustained effort to make the system work or to change it for the better.

But this is not a new rationalization—it is the same excuse that far too many people of my generation have used on the other side of the so-called generation gap separating them from the young people here today.

The free riders in America who are unwilling to risk a failure or failures on the route to ultimate success in solving the problems and in meeting the challenges of our time offer the same old refrain and it is not the exclusive music of any age, race, creed, or color or economic group within our country.

Every segment of our society has within it those who sing this sad song because they seek to escape responsibility by "turning off and dropping out."

The bigot who will not listen or try to understand someone because he is too old or too young is no different than the bigot who cannot hear someone who is black or poor or attends the wrong church.

I do not intend here today to attempt to catalogue the problems facing the American society. I do assert that there is no segment of the American populace, young or old, rich or poor, black or white, North or South, which has the right to withdraw its support from the established processes of the society.

If we are to move people to respect and strengthen the legal and judicial processes as well as the ballot, who will provide the leadership?

The class of '71 is facing a world with broader challenges and opportunities than ever before but with better equipment than any who have stood in their place before.

Former Secretary of Health, Education, and Welfare John Gardner said in a recent speech:

". . . while each of us pursues his selfish

interest and comforts himself by blaming others, the Nation disintegrates.

"This is a time for the highest order of patriotism. This is a time to ask what it is we stand for as a people. It is a time to examine our founding documents and to reflect on what we tell each other are the American virtues. It is a time to search our hearts.

"It is very, very easy for leaders to appeal to the prejudice and fear and anger that is in us. It is easy for leaders to speak to the selfishness that is in us, to tell us that nothing in this country need be changed and to find villains who may be blamed for our troubles."

"But there is in us as Americans," Secretary Gardner went on, "something better than fear and anger and prejudice, something better than selfishness, something better than the lazy, comfortable inclination to blame others."

He went on to conclude that we as a people must move vigorously to solve our most crucial problems and to heal the spirit of the nation. And he suggested some very simple ground rules which I commend to you.

We must face our problems honestly. Young people are saying "knock off the hypocrisy."

We must be willing to commit resources to solve our problems.

If we mean what we say about issues such as pollution and health, then we must put more money into these areas.

We must reject those who commit acts of violence or coercion.

And we must reject violence as justification for more violence.

We must reject leaders who appeal to our fears and anger and prejudice. We must reject an America where we are divided into minorities.

And finally, he said:

"We must recognize that each of us must give up something to save the nation. We must not ask only the young, the poor, and the sick to bear the costs of lost resources."

These are sober and challenging words from an intelligent and sensitive man who has had a unique opportunity to observe first-hand and close up the dynamics of American society.

More than ever before, the young people in this country must assert themselves as an important part of the leadership of this country. You will all be able to vote for the President, Vice-President, U.S. Representatives and Senators next year. You could start to assert your influence by exercising that right.

This assertion of leadership must come in the form of more direct participation in the processes I have been talking about, and particularly in the political processes of our country.

You have been equipped with the special tools that those processes sorely need.

The graduating class here today is part of a group that will be remembered by thinking people as a generation of students who did not wait for the completion of school to begin expressing their deep concern for their country and the direction in which it moves.

This concern has been expressed in many positive ways. I have sensed in my talks during recent weeks with many young people who have come to Washington, a new resolve on the part of the person privileged to have an education to use that education to rework and improve the institutions of our country.

There have been some painful confrontations between the young people of this country and those they view as part of an unresponsive establishment.

Will thoughtful historians record the class of '71 as honestly concerned citizens who awakened this nation and its leaders to the destruction of man's environment and who fought to eradicate war, poverty, ignorance, prejudice and violence? Or will they deal more harshly with them?

Unless we resolve to lead Americans toward judging each other by what is in their minds and in their hearts rather than by whether they wear long hair or hard hats, the historians will not deal very kindly with any of us who stood by while lawlessness, reaction and repression replace reason and an attempt at understanding.

It has been said that the hope for the future for any nation is in its young people and if that be true, then I do not fear for the future of America.

On the basis of what I have been able to observe, both in this country and abroad as a member of the U.S. House of Representatives, I firmly believe that there has never been a better or more exciting time to be entering the arenas of adult problem solving.

You have, in my opinion, an unparalleled opportunity to work for an America at peace with the world and at peace with itself.

In closing, I would like to quote something Thomas Wolfe said thirty years ago that sets forth the challenge carried in the promise of the "American dream:"

"To every man his chance, to every man his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this is the promise of America." (Thomas Wolfe, *You Can't Go Home Again*)

That is both the promise and the challenge, and now perhaps for the first time in your lives; it's really up to you!

## THE FEDERAL GOVERNMENT AND CONSUMER INFORMATION

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. ROSENTHAL. Mr. Speaker, one of my principal concerns in the consumer protection field, has been the scarcity of information about product performance. All of us would agree, I believe, that advertising has failed in its responsibility to provide the American consumer with meaningful information about the performance characteristics of the countless products available in the marketplace.

In an age of great technological sophistication with products becoming increasingly exotic, it is imperative that consumers have the hard performance data they need to make intelligent and informed choices between competing brands. The thrust of my philosophy is that the consumer is thoroughly competent to make sound judgments in the marketplace, but only if detailed information is readily available to him at the point of sale.

On June 19, 1971, Ralph Nader sponsored a conference in Washington, D.C., on "Computers and Consumer Choice." Its purpose was to examine not only the kind of information that should be made available to consumers; but also, the best methods of delivering that information, including the use of computers. I was privileged to address that conference on the subject of "Consumer Information Responsibilities of the Federal Government." In June and July of 1967, I held extensive hearings on the subject and have repeatedly urged a more responsible consumer product information policy by the Federal Government.

I am forced to admit—notwithstanding a newly announced consumer information program by the Nixon administration—that we are hardly closer to such a policy than we were in 1967.

I insert in the RECORD at this point, a copy of the program of the meeting and the statement I delivered to the Nader consumer information conference:

CONFERENCE ON COMPUTERS AND CONSUMER CHOICE

(Saturday, June 19, 1971, Room 500, District Building, 14th and E Streets NW., at Pennsylvania Avenue, Washington, D.C.)

A public discussion of the need for and future of systems for providing consumer information.

PROGRAM

Introductions and Welcome.

Ralph Nader: The need for improving and increasing the flow of information to consumers.

T. D. C. Kuch (National Institute of Health): Proposed Consumer Information System.

Carl Clark (National Bureau of Standards): A model Government information service as a component of the proposed consumer information system.

Congressman Benjamin Rosenthal: Consumer Information Responsibilities of the Federal Government.

Paul Notari (Association for Computer Programmers and Analysts): The Computer Professional: His Place and Responsibilities in the Battle for Better Consumer Protection.

Carl Hammer (Univac, Federal Systems Division): The Challenge of Implementing a Large-Scale Consumer Information System.

Professor Donald Rothschild (National Law Center): Experiences of an Operating Consumer Information Project.

Panel Discussion: Dialogue between conference speakers and attendees on key unresolved ideas.

CONFERENCE SUMMARY

Speaker Affiliation is given for identification purposes only. Views presented will be those of the individual.

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL

Ladies and Gentlemen: I can think of no better way to begin my statement today than to relate a true story about the first consumer hearings I held in the summer of 1967, as Chairman of the Special Consumer Inquiry of the House Committee on Government Operations.

At that time, I had been in Congress for about five years, and was reasonably sensitive to the political intrigues and tender egoes that dominate the House of Representatives. Accordingly, I decide that my first investigation and public hearing should deal with a subject about which there was little or no controversy. We selected as our first hearing topic: "Consumer Information Responsibilities of the Federal Government." Our belief that that subject was non-controversial was a slight miscalculation.

Our basic mistake was not so much our conviction that free enterprise was dependent upon free choice, and that free choice was impossible without information sufficient to make judgments about competing products in the marketplace. Rather, our

mistake was in believing that American industry shared that conviction.

The hard lesson I learned from industry's denunciation of our hearings, and what I have had confirmed many times over since then, is that the popular image of American industry as guardian and defender of free enterprise, is an illusion!

I am convinced that what haunts American industry today more than anything else in its pursuit of increased profits and bigger dividends is the specter of meaningful toe-to-toe competition between products on their merits—winner take all!

As a consequence, if competition is to be found today in our economic system, it is competition mostly for the services of the most imaginative advertising agency, or the most glamorous Hollywood star to merchandise a product. And so advertising, which potentially is our most promising vehicle for the communication of information, is primarily an intrument for entertainment.

While there are certainly exceptions to the rule, it is my personal feeling that rather than facilitating choice between products in the marketplace, advertising tends to confuse and make that choice more difficult. In short, any assessment of the adequacy of consumer information and the consumer's ability to choose in today's marketplace, must begin with the fact that, while advertising promotes sales, it does not really foster competition.

At an American Advertising Federation panel discussion of fire hazards in color television sets about a year ago, a Motorola Vice President was reported to have said that while the fire hazard had been engineered out of his company's products three years ago, they would not so advertise, because it was ungentlemanly to knock the competition. The Motorola Vice President merely confirmed my previous views about the state of information and competition in today's marketplace, although his reference to the ungentlemanly aspects of knocking the opposition was probably motivated less by Marquis of Queensbury rules, and more by Dow Jones averages.

I do believe that the American free enterprise system, with its give and take in the marketplace, is basically healthy. But in the supermarket aisle, on the auto showroom floor, and across from the cash register everywhere, the consumer must face Madison Avenue, the whirling computer, and the motivational research psychologist. He must face the giant corporate structure with its capacity to spawn powerful lobbies in Washington and in state capitals. The consumer must face not simply outright fraud and deception, but sharp practices honed to incredible subtlety.

The effectiveness of a free market economy requires something we all like to call "consumer sovereignty." The preconditions for that sovereignty are knowledge and freedom to choose. When those conditions are ignored or threatened, the most basic economic right, the right to be informed, is placed in extreme jeopardy. And, of course, the effects are felt throughout the market system. For example, in his book, "The Innocent Consumer vs. the Exploiters," Sidney Margolius says that the typical family wastes about $920 a year, or about 12% of its income, because purchases are made on impulse without adequate information.

To protect the consumer's right to be informed is, in the first instance, the responsibility of those who profit most from the system—producers and business men. But if they fail in that responsibility, then government—federal, state and local—must protect that right, both because it is just and to insure the efficiency of the market system.

Government has for a long period of time sought to insure the efficiency and stability of the economy through numerous legal, fiscal and monetary devices. Efficiency of the marketplace through information programs is a logical extension of that activity.

The whole thrust of my philosophy is that the consumer *is* thoroughly competent to make sound judgments in the marketplace, but only if information—all the facts about thousands of sophisticated products and services—is readily available to him *at the point of sale*. Webster's Dictionary defines "information" as "knowledge obtained from investigation, study or instruction." This suggests to me that consumer information should offer the public something more than irrelevancies dressed up in pretty packages or clever slogans. Consumer information should offer hard performance facts about products, which are sufficiently comprehensive and objective to allow for enlightened choice in a complex and confusing marketplace.

It is ironic, that the ultimate beneficiary of the entire marketing system—the consumer—is its most ignored and least informed participant.

Alan Mowbray, in an article in *The Nation* said that "compared with the orderly processes of the industrial marketplace, the consumer marketplace is a scene of anarchy . . . when a manufacturer buys the materials that he uses in making his products, he refers to standards. He gives the materials supplier a standard specification spelling out the performance characteristics the material must have, and he also stipulates the standard test methods that will be used to sample and test the material to insure compliance with the standard specification. When General Motors buys material from U.S. Steel, it does not rely on assurances from the steel company that the shipment will be 'new and improved' with twice the active ingredient of shabby old Brand X. GM says in very hardheaded terms that the steel must meet certain specifications as to strength, hardness, corrosion resistance or whatever property is of interest . . ."

Much of the consumer legislation that has been proposed and enacted by Congress in the last few years, evidences a concern for the absence of meaningful information in today's marketplace. For example, the Food, Drug and Cosmetic Act prohibits, among other things, the sale of food "if its labeling is false or misleading in any particular"; the Federal Hazardous Substances Labeling Act prohibits the introduction into interstate commerce of any misbranded hazardous substance; the Federal Insecticide Act prohibits the distribution of economic poisons which do not bear appropriate warning labels; the Truth in Lending Act is concerned with the dissemination of honest information about credit rates; and the Fair Packaging and Labeling Act declares that "informed consumers are essential to the fair and efficient functioning of a free market economy."

And yet, while Congress has proclaimed legislatively on at least a half-dozen occasions, the absolute right of consumers to product information from industry, the absolute right of consumers to product information from industry, the federal government itself continues to withhold from the public vast amounts of information on product performance stored in its files and developed with public tax dollars.

The reasons for this vary. First and foremost is the bitter opposition by American industry to the release of such information. The opposition, usually takes the form of statements such as "the American consumer is already the most informed consumer in the world today. In fact, he is over-informed." May I take exception to the myth that the American consumer is the most informed consumer in the world today? The reality is that while many Americans are faintly knowledgeable about purchases in the marketplace, the great proliferation and diversity of products and their increasingly exotic nature, make it almost impossible to identify the "best buy" generally, or the most useful purchase for an individual consumer. Which of the enzyme detergents—if any—should you purchase: Biz, Gain, Tide X-K, Amaze, Punch, Axion, or Drive? Moreover, much of the information industry offers as proof of the absurdity of the need for more information, is itself absurd.

My principal preoccupation in Congress has been the examination of whether federal agencies are carrying out their responsibilities to protect and represent America's 200 million consumers. In view of the grossly unsatisfactory nature of information available from the private sector, it is difficult to conceive of a more vital aspect of this responsibility than the dissemination of product information in the government's possession. With respect to the government's overall performance as a protector of consumer rights, my conclusion is that it has been a miserable failure. With respect to governmental policies regarding the release of product information, my conclusion is that the federal government today spends more of its time and money furnishing marketplace information to American industry, than it does to American Consumers:

—The Department of Agriculture is a classic example: It establishes trading terms for grades and standards for the food industry; it keeps food processors and retailers informed about the supply situation for world products at the farm level; it offers a market news service listing the going price of livestock, fruits and vegetables; under the Perishable Agricultural Commodities Act, it makes reparation to retailers for their purchases of substandard perishable products; and, USDA develops new foods with taxpayers dollars, such as instant potato flakes, and then permits private enterprise to market them; it documents for retailers and growers quantifiable changes in trends in consumer demands for food on an individual commodity basis. For the consumer, it does offer "best food buys of the month"—which is as much or more for the benefit of farmers as for the benefit of consumers; and it will tell you how to buy and store cereals and pasta and how to make jellies, jams and preserves at home.

The Department of Commerce and other federal agencies like the Small Business Administration, offer excellent informational guidance to their special-interest clients. Only the consumer must go begging for information.

While it is simple enough for consumers to order from the Government Printing Office, booklets on "Making and Preserving Apple Cider," or "Your Children's Feet and Footwear," it is difficult to find government information that sheds significant light on the important marketplace decisions that we are all called on to make.

Certainly, we could all agree that government test information relating to the safety of products or the wholesomeness of food should be widely disseminated. But personally, I find it difficult to differentiate between the right of the consumer to have absolute safety information from the government about those products which might injure or kill him; and his right to have from the government general performance about those products which might not serve his best economic interests. The government's performance in both the safety and economic areas, however, is sorely lacking.

Although the General Services Administration has long required an "instinctive roller release" safety feature on its wringer

washing machines, it never thought that fact important enough to tell the general public—even though there are about 200,000 injuries a year from unsafe wringer washing machines. The Federal Housing Administration has known for years that unsafe patio glass doors were responsible for an estimated 100,000 serious injuries a year, but refused, until I threatened them last year with a public hearing, to require tempered safety glass in its specifications. Although 12,000 persons a year lose their lives in fires, some of them caused by flammable fabrics in and around the home, the federal government refused to publicize the fact that 100% loosely woven acrylic fiber carpet is extremely hazardous. Instead, it took Consumers Union, using the same flammability tests that had been used by the government, to make the disclosure. Let me add an interesting personal footnote: prior to that disclosure, I had purchased this highly flammable type of carpeting for my child's bedroom.

To this date, we cannot get the Department of Health, Education and Welfare to release the brands and serial numbers of those microwave ovens that may have emitted excessive radiation. Recently, the Food and Drug Administration acknowledged that it had found two cases of cancer-like lesions from the use of aerosol-type spray products, and one death attributed to inhalation of such vapors. But, FDA declined to identify them. This revelation followed an announcement by US Army doctors that two brands of aerosol underarm deodorants —which they have also declined to name— have adverse effects on the lungs. Let me cite another very recent example of the government's failure to release safety information: on May 27, 1971, the Food and Drug Administration issued a news release nationwide warning that some Vitamin C tablets on the market contained undeclared sodium ascorbate rather than ascorbic acid, and that excessive use may be hazardous for some persons. But there was one major failure in the announcement—the agency failed to tell which brands of Vitamin C tablets contained sodium ascorbate, even though they had available a list of such brands.

I would like now to talk about the government's consumer information capabilities and later I would like to say a few words about the Nixon Administration's new consumer information program.

The federal government is the single largest purchaser and user of consumer products in the world today. The General Services Administration has identified approximately 4,000 federal procurement items it buys that are consumer-related. Many of these products are tested by procurement or research agencies for purposes of devising or revamping specifications; to determine that procured items comply with specifications; and, occasionally, to determine which of a host of materials or products performs best. Moreover, the government keeps close tabs on the performance of many of its products and, as a result of empirical data, is able to draw certain conclusions about the performance weaknesses and strengths of one product or material versus another.

Many people have had a hand in attempting to get the federal government to share some of its valuable information with the public. In 1965 an interdepartmental study group on government standards, set up by Esther Peterson, reported that there is a wealth of information in the government that could be of help to consumers. In June and July, 1967, I held extensive hearings on "Consumer Information Responsibilities of the Federal Government." In 1968, a report of the Task Force on Product Test Information, established by Betty Furness, concluded: "We believe that a realease policy regarding brand and generic information merits adoption on a government-wide basis." A report of the President's Cabinet Committee on Price Stability in January 1969, stated that "much information about consumer products exists in . . . federal departments that could be . . . prepared for distribution through Welfare Agencies, employers, credit unions, and others."

How worthwhile is the information now available or potentially available in federal agency files? It is my judgment that the quality of that information is excellent and that its widespread dissemination could significantly alter the buying habits of millions of Americans. The government buys for its own use, at one time or another, every consumer product purchased by the public-at-large. It is true that all of these products are not tested in the way that Consumer Union tests products in order to rate them on a brand by brand basis. Nevertheless, the sheer comprehensiveness of the government's purchase of consumer products and its potential for scrutinizing their performance weaknesses and strengths, make Consumer Union's output pale by comparison.

A first step in meeting that potential, but a first step only, has been taken recently by the White House Office of Consumer Affairs. On October 1, 1971, the Consumer Product Information Coordinating Center, working out of the General Services Administration, will begin to identify by brand name those products it buys that are also available to consumers—perhaps under a different name. The potential for providing consumers with useful government information is dependent on establishing this similarity of product and so the Administration's first step is important. But incredibly, the Administration has only announced plans to publish the list of like products. It is their view that merely informing consumers of the fact that some of the products they purchase in the private marketplace are the same as products purchased by the government, is itself useful information. That assessment is totally false and dangerous. It means that, once again, the Administration is deceiving consumers into thinking that something useful is being done for them, while, in reality, they are protecting business by withholding possibly adverse product performance information.

If the Nixon Administration really wants to assist the consumers of this nation, then they must give them detailed performance information about those government-purchased products which are the same as private marketplace products. If, for example, tires purchased by the government for their fleet of automobiles are the same as or comparable to certain grades of tires available to the general public, then the government must scrutinize the performance of those tires and make their assessment available to the public-at-large. If the government purchases different types of carpeting or different types of interior and exterior paint, all of which have their counterparts in the private marketplace, the government must evaluate the performance weaknesses and strengths of the various brands they use, and provide that information to the consuming public.

I am afraid, however, that this is not the government's intention. I fear that the newly announced program of brand name identification is motivated by the same desire to protect business as was the recent brochure published by the Office of Consumer Affairs entitled "Speak Up When You Buy a Car." That booklet, which purports to inform consumers on how to buy a car, fails to even mention the subject of automobile safety—an incredible omission.

I would also urge the Consumer Product Information Center to publish the brand names of those products which are submitted to GSA for inclusion on its Qualified Products List, but fail to meet GSA requirements. Antifreeze, paints, flashlights, auto parts, windshield wipers, brake fluid, floor wax, dry cell batteries, household lights, and other consumer products can be found on the Qualified Products List. It is imperative, as to these products, that the brands failing the tests be named for the general public.

Finally, let me say a word about the efficacy of the Freedom of Information Act, as a device for breaking loose government test information. To date, that Act has really served to hinder rather than facilitate the release of government information on products, for several reasons: first, because it has narrowed and frozen the procedures whereby information is requested from and eventually furnished or withheld by a federal agency; second, because it is highly expensive and time-consuming to contest a refusal to release information. Consumers Union, for example, spent in excess of $40,000 on its Veterans Administration suit. Third, use of the Freedom of Information procedures has diverted attention away from other more effective methods of breaking loose government test results.

The government can and should play a major role in providing consumers with useful product information. My concern, as a Member of Congress, is to see that the government's consumer information program is valid and useful. It is the concern of this conference to suggest ways in which the fruits of that policy can be effectively and quickly communicated to the nation's 210 million consumers. In my judgment, product performance information should be made available, whenever possible, at the point of sale. But made available it must be, and let us work together toward that end.

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## THE WAR: THE RECORD AND THE UNITED STATES

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. MURPHY of New York. Mr. Speaker, yesterday I included in the RECORD a New York Times article by W. W. Rostow, former adviser to President Johnson, responding to the moral questions raised about the Vietnam war in connection with publication of the so-called Pentagon or McNamara papers. Mr. Rostow eloquently rebutted the charge that our Vietnam policy was developed without regard for basic moral considerations.

Today I include in the RECORD an article by Gen. Maxwell Taylor, former Ambassador to Vietnam, and former special consultant to the President of the United States. His New York Times article further helps put the matter in its proper perspective, and helps us understand the true context in which the Pentagon papers were developed.

I would urge all those who are concerned about the meaning and impact of

the Pentagon papers to carefully consider the views advanced by Mr. Rostow and General Taylor. As principals in the development of our policy in Southeast Asia, their insights concerning the papers are most illuminating. I commend this article, and the article by Mr. Rostow, to my colleagues and to the American people:

THE WAR: THE RECORD AND THE UNITED STATES

(By Maxwell D. Taylor)

WASHINGTON.—I am grateful to The Times for affording me this opportunity to explain why I think the action of the paper in publishing selected portions of the highly classified Gelb study was contrary to the national interest.

In brief, my position is that this action contributes to further misunderstanding and confusion regarding the events portrayed, tends to impair the working of the foreign policy process, and adds to the disunity which is already undermining our strength as a nation. These views are largely independent of the legal aspects of the case, and of the importance or lack of importance of the classified material which has been revealed.

As history, the articles are unreliable and often misleading because of the incompleteness of the basic source material and the omissions and suppressions resulting from the selective process carried out by the Pentagon authors and the editors of The Times. The Gelb group had only limited access to reports from without the Pentagon, whereas the White House, State, C.I.A., and other agencies were key participants in the activities under review.

Starting from this incomplete data base, Gelb's analysis exercised a form of censorship in choosing what data to use, or what to exclude. The Times performed a similar function in deciding what to publish from among the 47 Gelb volumes. Thus, in the final publication, the principle served was not the right of the people to know all about the Government's Vietnam policy, but rather the right of The Times to determine what parts the public should know about it. As one member of that public, I would like to know the criteria employed by The Times in making its determinations.

The resulting literary product is a melange of incidents presented in a disjointed way which makes them difficult to understand and to relate to one another. It is hard to distinguish approved governmental actions from individual views of comparatively low-ranking staff officers. There is often a perceptible antiwar bias in the commentary which suggests that the officials involved were up to something sinister and surreptitious rather than carrying out publicly approved national policy. For these reasons, I am afraid that the articles will confuse rather than enlighten the persistent reader willing to wade through them.

The damage which I foresee to foreign policy is from two sources. If it becomes accepted usage that any disloyal employe of government can find in the press a ready market for governmental secrets, no secret will be safe. In the atmosphere of suspicion and fear of betrayal created within government, one can hardly expect to get forthright opinions and uninhibited recommendations from subordinates who must consider how their views will read in the morning press.

There will be a similar reaction among our international associates. Already we are seeing the embarrassment of allies such as Australia and Canada over references appearing in The Times articles. Other nations are viewing with dismay this latest evidence of internal disarray in the United States and are doubtless reminding themselves of the need for reticence in future dealings with us. Only the propagandists of Hanoi and Moscow find cause for rejoicing. And they are openly enjoying themselves.

My last concern is over the effect of this incident on our national unity, of late a prime target of subversive forces seeking to undermine the sources of our national power. There has been an arrogance in the way The Times has thrown down the gauntlet in challenging the Government's right to identify and protect its secret which assures a bitter public fight. The Times has not only challenged the Government's right to make this determination but has undertaken to substitute its own judgment in deciding what secrets are entitled to protection.

If allowed to continue in its present form, the controversy will provide a further revelation to our enemies of our internal divisions at a time when we need all of our strength and prestige to effect an honorable settlement of the Vietnam war.

There should be ways for reasonable men to reconcile the needs of a free press and of national security without resort to exaggerated classification of documents by the Government or resort to the rule of "fence" on the part of the press. Without security a free press cannot long endure, nor can the society and economy which sustain it. Without strong, articulate information media, the Government cannot communicate with the electorate, or win popular support for the needs of national security.

The press should be able to fulfill its secular role of exposing rascals and mistakes in Government without making common cause with the enemies of Government. We must have both a free press and an effective Government capable of defending and enhancing our national interests (against all enemies, foreign and domestic). If we expect to remain a great nation, these are not alternatives.

Incidentally, there has been frequent reference of late to the presumed embarrassment caused by The Times article to the governmental participants mentioned. If anyone is interested, I am not among the embarrassed. In the period covered by these documents, I was working earnestly for peace and security in Southeast Asia, an objective which the Congress had just determined by an overwhelming majority to be vital to the national interest. We toilers in the hot Vietnamese sun took that mandate seriously, and the Gelb study portrays us hard at work in obedience to it.

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## PICKING THE POCKETS OF THE POOR

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. MIKVA. Mr. Speaker, it is unfortunate that even with 8 hours of general debate time the managers of H.R. 1 could not arrange any time for some critics of the bill who were neither of the school that say a pox on all welfare legislation or those who say that anything less than $6,500 per year this year is inadequate. There are Members of the House, including this one, who voted for last year's welfare proposals and were prepared to vote for a reasonable bill this year. Indeed, I intend to vote for the bill on final passage whether or not title IV is stricken. However, I intend to vote to strike title IV for the reason that the absence of a maintenance of effort clause in title IV is an invitation to the hard-pressed States like my own to take a whack at the poor this year. This probability is enhanced mightily by the unique impact of the so-called hold harmless clause. That clause is so constructed that States such as Illinois and New York will benefit mightily by artificially and arbitrarily reducing their caseloads this year. By doing so, the States' financial responsibility for this year and subsequent years will be reduced by the amount of the reduction. More important, in subsequent years the Federal Government will be obligated to pick up the increased caseload once the artificial squeeze is removed.

That kind of unintended raid on the U.S. Treasury is hardly sporting. However, most States are so short of revenue that they are not in a sporting mood. In my own State, the Governor has already announced a current program which will put existing welfare recipients into nonexisting jobs, and "tighten up" the manner in which people become eligible for assistance. Translated into welfare, such a plan means that people will be thrown off the rolls whether they ought to be or not and that the "intake" process will be slowed up substantially. Instead of a 2-week delay in qualifying for assistance, it may take 6 or 8 weeks.

It will not be the first time that this has happened to poor people in my State or in other industrial States. Indeed, it is one of the games that legislators and Governors play regularly with the poor. The ironic tragedy is that the Federal Government has not only joined in the games—in other provisions of the bill—but will give a bonus by way of increased payments under the hold harmless clause to any State that squeezes the poor this year.

Last year's bill had a maintenance of effort clause in it. This year's bill also ought to have such a clause, not only because it would save some money for the Federal Government in subsequent years but also because we ought not bring up the welfare programs that are below minimum standards of decency at the expense of the poor people in those States that have been a little less indecent about their welfare programs.

Picking the pockets of the poor is a very easy way to solve a problem. It just is not very just.

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## PREELECTION MANEUVERING

### HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. RIEGLE. Mr. Speaker, in this week's English edition of the French Journal, Le Monde, there appeared an excellent appraisal of the present political situation in South Vietnam regard-

ing the October elections. The following article illustrates the political maneuvering presently going on in South Vietnam. Since I have introduced a bill, House Concurrent Resolution 315, calling for the establishment of a congressional commission—served by a full-time Vietnamese staff—to monitor the election proceedings in South Vietnam, this matter is of great importance to me, as I believe it is to many other Members of the House and the Senate. It is my privilege to share this article with my colleagues.

SAIGON—PRE-ELECTORAL MANEUVERING

To all intents and purposes the South Vietnamese presidential election campaign has opened, although it is officially not due to begin until September. Well in control of his country's administrative machinery, President Nguyen Van Thieu has just reshuffled his government, as well as a number of military commands.

In an attempt to ensure his own victory on October 3, he has had the South Vietnamese National Assembly approve a draft bill, the propriety of which is questioned by the opposition, requiring a presidential candidate to have his nomination supported by forty deputies in the assembly or by one hundred provincial councillors. If the legislation in question is passed it could prevent two other likely candidates, Vice-President Nguyen Cao Ky and General Duong Van (Big) Minh, from even getting into the running.

General Minh hardly ever breaks out of his cautious silence. General Ky, on the other hand, is given to making inflammatory statements and using the kind of language more likely to be heard in Hanoi. In obvious reference to President Thieu and his political associates he talks of the "Americans' lackey leaders" with whom, according to him, the North Vietnamese cannot seriously negotiate.

The Saigon leadership is also unlikely to do anything to make it easier for the opposition deputies due to run for re-election in August. The best known of these, the newspaper editor Ngo Cong Duc, recently spent several days in prison following a trivial incident which had all the earmarks of a frame-up.

Neither the president nor certain violently anti-Communist Christian quarters can forgive Mr. Duc, a Catholic, for having publicly proposed an alternative political platform which the Provisional Revolutionary Government of South Vietnam found acceptable. They are also peeved that he has criticized, in his newspaper Tin Sang, the Saigon regime, the conduct of the war in Indochina and American policies in the area.

The US government is following developments here with considerable interest. It is no accident that the American ambassador in Saigon, Ellsworth Bunker, met President Thieu, Vice-President Ky and General Minh before leaving for consultations in Washington.

American's "Vietnamization" policy must rely in part on political stability in Saigon, and this in turn means massive financial support from Washington. South Vietnamese Economy Minister Pham Kim Ngoc left for the United States late last week in an effort to convince private American investors to join his government in its efforts to develop the country. The New York Times has even reported that Mr. Bunker's assistant is believed to be pressing the South Vietnamese minister to ease French oil company interests out of South Vietnam in favour of American ones.

Yet relations between South Vietnam and the United States would not appear to be the only factor weighing on the future election campaign. The recent serious deterioration in the military situation in neighbouring states is believed to be having its effect on the Vietnamization policy.

The South Vietnamese Army might, accordingly, be forced once again to rush to the aid of a hard-pressed "ally." Illustrating the need to find some overall solution to the problems involving these three Southeast Asian countries is the fact that their political crises continually spill over their frontiers in much the same way as do their battles. It is feared that President Thieu's probable re-election, far from opening up potential paths to peace, will only have the effect of sharpening the differences on both sides, and of preventing advocates of some kind of reconciliation from playing an effective role.

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## ADDRESS TO THE INSURANCE INFORMATION INSTITUTE

## HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. GOLDWATER. Mr. Speaker, I was privileged to give the following address today before the Insurance Information Institute. I feel it concerns us all.

The address follows:

ADDRESS BY REPRESENTATIVE BARRY M. GOLDWATER, JR.

On February 9th of this year, the residents of Los Angeles were awakened at 6 a.m. when a major earthquake rocked the area. Within a few moments there was more than a half-billion dollars in damage and 64 lives were lost. If the quake had been just 60 or 90 minutes later, thousands of people could have been killed.

During the last year and a half, billions of dollars of damage has occurred throughout the country due to a multiplicity of other disasters. Much of the damage has been private loss, with the federal government providing low-cost loans and some grants-in aid to private individuals and businesses.

Today I want to deal with the subject of earthquake insurance and relate it to the overall need of complete disaster insurance for private loss. Basically, I want to deal with four points:

1. The facts about earthquakes;
2. The current availability of insurance;
3. How many people buy it;
4. What the role of the federal government towards disaster insurance should be in the future.

While most people usually regard earthquakes as a West Coast problem, the fact remains that major quakes have occurred in many different areas of the country. The worst occurrence was in 1811 in New Madrid, Missouri. Other major shakeups have been recorded in New York, Utah, South Carolina, Texas, Montana, Alaska, Nevada and Washington. Although California accounts for two-thirds of all recorded occurrences, only a half a dozen of the 50 states have not experienced an earthquake or tidal wave to some degree.

Quakes are erratic; no one ever knows when they will strike. Unlike a hurricane, or tornado, an earthquake gives no warning.

I agree with the reports of the National Academies of Science and Engineering and the President's Office of Science and Technology, that more research should be conducted into the question of internal earth pressure. While both of these questions are far from being answered now, several measures could be undertaken.

The recommendations of the National Academies includes suggestions for such meaures; for example:

1. Studies should be undertaken for better design of public and private buildings and the improved analysis of present structures. The Olive View Hospital in my district was totally destroyed, yet I had just dedicated the new facility exactly one month before the quake.

2. Stiffer building codes should be enacted and improved regulatory systems should be initiated.

3. Stepped-up reappraisals should be made of the strength of major dams, reservoirs, storage tanks, and older buildings in seismic areas.

4. Further investigations should be conducted relative to ground movement and possible forecasting of quakes.

5. Earthquake-hazard maps should be drawn of all densely populated areas. I would go one step further and suggest the maps be made readily available to the general public. This would help to demonstrate to individuals the need for earthquake insurance.

The President's own report made some additional, important points:

1. All federal agencies should require earthquake-resistant design and construction of publicly or privately-owned facilities;

2. Federal agencies should encourage, as well as aid, communities to survey existing structures;

3. The federal government, through its various agencies, should assist the insurance industry in developing the actuarial bases needed for earthquake insurance;

4. Federal and local tax structures should be revised to provide incentives and/or penalties which will aid in reducing the building hazards caused by earthquakes.

Lastly, the President's report urged federal cooperation and support for states most seriously exposed to earthquake hazards, in order to re-examine and develop new ways to reduce hazards.

Basically, the reports emphasized two actions for the government to take:

1. First, research the problem and techniques so eventually earthquakes can be predicted;

2. Secondly, develop programs that could reduce the loss of property, and more importantly of course, human lives.

I believe these steps could also help the insurance industry develop *new* programs to help solve a very *old* problem.

I am specifically concerned about insurance for private property damage. There are residents of my district that have sustained $30,000 in damage on a $40,000 home. With a new loan to cover the damage, the damage victim is obligated to a $70,000 mortgage. He can never really recover from this hardship.

Certainly, it is unreasonable to contend the federal government should continue to pay for the entire loss. Something else must be done.

First, earthquake insurance is available. Some contend that it is extremely expensive, but that is not totally true. For about $5 per month, slightly higher than regular fire insurance, one can purchase a $40,000 policy on both the dwelling and its contents. But that is still too expensive for some people.

Therefore, there are several reasons why people don't buy disaster insurance:

1. First of all, the premium rate is a little high;

2. There is a high deductible clause;

3. Long intervals between quake occurrences which cause serious damage tend to de-emphasize the need for earthquake insurance;

4. And lastly, the industry has not attempted to launch a marketing campaign for this kind of insurance.

It is interesting to note that the concept of flood insurance is experiencing a similar lack of interest. The real tragedy will occur in the next flood when those who did not purchase flood insurance will be forbidden to obtain low-cost SBA loans, due to a new federal law.

With these facts in mind, my experience with the recent earthquake has reaffirmed my belief that the federal government and the insurance industry must face up to the problem of private loss. We cannot expect the federal government to pick up the tab every time our Nation experiences a catastrophe.

Our population is growing. The expansion of communities increases the probability of more disaster damage. This potential increase in loss will be compounded if stiffer building codes are not also enacted. Disaster relief aid in this country has grown from $19 million in 1960 to $348 million in 1970, exclusive of crop loss.

Low-cost disaster insurance is a must—no matter who likes it or does not like it. Remember . . . people are more concerned about whether or not they can obtain coverage, rather than where it comes from.

Earthquake insurance, as you know, can be written and, at the same time, yield the industry a profit. During the last 50 years, property losses have only amounted to three and one-third percent of all the total premiums collected. It will also provide protection to the life investments of millions of Americans.

Two other factors are important. First, historically even moderate earthquakes occur less frequently in the U.S. than hurricanes or tornadoes. Secondly, methodologies are available to determine areas of particular risk and the subsequent actuarial rates.

The industry should work out a program of disaster insurance on its own or the federal government could be forced into a position of establishing its own disaster insurance company. You in the insurance business might say "Well, that takes the responsibility off our shoulders." Gentlemen, the next question is when does the federal government establish its own auto insurance program . . . or what about life insurance? You might say . . . "That's ridiculous!" I must only point to the record of government intervention into almost every area of private enterprise in the last 30 years to nullify that argument.

While I do not want to see the federal government establish its own insurance program, I believe the government can, however, play an important role.

The basic problem is not writing disaster—or specifically, earthquake insurance, but rather getting people to buy it. As you know, flood insurance is not being purchased although it is readily available. The same is true of earthquake coverage. As I mentioned earlier one of the principal reasons for the lack of interest in quake insurance is its high cost and high deductible rate. That is the point where I believe there could be a joint government-industry partnership on a program to assure the purchase of disaster insurance.

Some contend that the Congress should merely pass a law requiring all Americans to carry disaster insurance. I would oppose this, because it smacks of direct intervention of the federal government into private enterprise, not to mention that it would also be in direct defiance of the McCarran-Ferguson Act of 1945.

I would prefer to see this done privately through the inclusion of an all-national risk provision in all standard homeowner policies. The mortgage loan industry could assist such a private program by requiring a disaster insurance provision on all existing and future home loans.

One further step may be necessary. Presently, the federal government picks up the entire tab for disasters. For example, following the Los Angeles quake, the Office of Emergency Preparedness; the Department of Health, Education and Welfare's Office of Education; the Bureau of Public Roads; the Veterans Administration; and the Small Business Administration—all government agencies—appropriated a grand total of $436.1 million dollars for disaster relief. This paid for all off-duty time for policemen and firemen, the rebuilding of broken freeways, reconstruction of all damaged public buildings, and grants-in-aid for private property damage. The grants-in-aid amounted to gifts as high as $2,500.

Remember, this was all paid for by the federal government. No state, city or county funds were involved. This, in itself was wrong. The states should share some sort of responsibility. I would propose that all states require all homeowners to carry disaster insurance from private companies, if the state is to continue to be provided with federal disaster assistance. Such a requirement would leave the regulation of the insurance industry in the state. This has the definite advantage of allowing the states to set their own rates without some overall national rate that could be either too high or too low, depending on the area of the country.

If earthquake insurance was mandatory in California, the cost could drop from $5 per month, to $1.21 per month—a decrease of more than 75 percent.

I would also propose an amendment to the anti-trust laws, if necessary, to permit a national pooling of losses on disaster insurance. If this was coupled with changes in certain tax laws, it would permit the industry greater flexibility.

In order to make these recommendations a reality, I am today proposing to the President a joint, short-term Federal-State-Private Enterprise Task Force that would consider this problem and then, subsequently, ask the Congress for action. I am pleased to announce that Richard Barger, California's Insurance Commissioner, has completely endorsed the proposal. I have also received very positive comments from other government and private industry officials. I want to make it clear that I do not want another two or three year report. We need action *now*. It is up to the Congress, the Administration and you to act. I think we should begin today."

## RARICK REPORTS TO HIS PEOPLE ON THE THREAT OF A NATIONALIZED SYSTEM OF STATE COURTS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. RARICK. Mr. Speaker, I recently reported to my people on the dangers inherent in recent statements of President Nixon and Chief Justice Burger which portend a national court system.

The President's new American revolution continues to alter and change the American living pattern as well as the traditional American theory of government by applying the concept that by changing a man's environment, the Government can nonviolently change American goals and ideas. This new revolutionary movement is being accomplished under the promise of revenue sharing between the Federal Government and the State judiciary systems, but behind the promises lurks an increasing concentration of more and more powers in the Federal Government in Washington. The greatest environmental change, therefore, seems to be the further erosion by assaults on local and State governments and a removal of the decisionmakers over the individual American farther and farther from his home and job.

The latest move for federalization of another segment of our Government is the program to nationalize all of the State courts of the United States so that the State judges become more "cooperative" with and "indoctrinated" to the Federal judges' plans and ideas of justice and substantive law, sometimes known as court-made law.

The American people have heard a lot lately about the threat of a national police force. Now they are becoming aware of a real threat of a national court system. And the irony of this is that this program is sold to our judicial scholars as reform and progress to bring about fair and impartial justice. The bridge to gap the chasm between the Federal judiciary and the independence of 50 State court systems is money—Federal grants and tax-free foundation contributions.

Time was when any respectable judge regarded offers of financial reward or outside assistance as a flagrant infringement upon the fearless independence of his court and as casting a reflection on fair and impartial administration of justice. Times have certainly changed. But so has the tenor of court rulings and decisions.

The history of the United States should be a constant reminder of the threat to individual liberty and private property as a result of judges losing their independence and not being responsive to the laws of their people or their customs in justice. The Declaration of Independence was written as an indictment of the Government of England by our American forefathers. One of the charges by the Americans as basis for the resolution was the following:

> The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States.

Specifically listed in the Declaration as one of the objects of tyranny was the following charge against King George III:

> He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

Thomas Jefferson, the leading liberal of his time, had much to say about judges and tyranny. Jefferson warned free men that of all tyranny, judicial tyranny is the most fearful. Following are just a few

of many remarks of Thomas Jefferson with regard to judicial tyranny:

The Constitution is a mere thing of wax in the hands of the judiciary.

The great object of my fear is the federal judiciary. That body, like gravity, ever acting, with noiseless foot, and unalarming advance, gaining ground step by step, and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.

I am sensible of the inroads daily making by the federal into the jurisdiction of its co-ordinate associates, the State governments. The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights. The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass.

Our government is now taking so steady a course as to show by what road it will pass to destruction, to-wit: by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the federal judiciary; the two other branches, the corrupting and corrupted instruments.

It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. To this I am opposed; because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the centre of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated.

The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone. . . . Having found, from experience, that impeachment is an impracticable thing, a mere scare-crow, they consider themselves secure for life; they skulk from responsibility to public opinion, the only remaining hold on them. . . . An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law to his mind, by the turn of his own reasoning.

It was for these reasons based upon the sufferings and experiences of the founders of the United States that there was no provision in the Constitution for a national system of State courts in our land. Some States, like Louisiana, elect their judges while, in other States, they are appointed in various manners. And in no two States are either the substantive laws or the procedural laws by which the courts operate identical.

The currently promoted notions that Federal courts are somehow a higher court or an automatic disciplinary supervisor of State courts is also untrue and a disservice to our judical system. Regardless of how the judges in the many States are selected, their courts are constitutional courts created by the Constitution of that respective State. The State courts decide issues and controversies arising in their States under the laws enacted by their people and State legislatures. There is no automatic appeal or review by every State case to a Federal judge. In fact, only the Supreme Court of the United States is a true constitutional court. Article 3, section 1 of the Constitution says:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The Constitution also expressly defines the jurisdiction or the authority of cases which the Federal courts are given the right to sit in judgment and review or decide. Such authority is given in article 3, section 2 of the Constitution and is usually called "Federal questions." Additional authority is given to the "inferior" Federal courts from time to time by Congress itself, which is always the master of Federal courts because what Congress creates and gives, it can correspondingly take and abolish. But not so with State courts, because they are created by the Constitution of their own States. In some States, which existed before the creation of the United States, the State courts predate any Federal courts.

The constant erosion of the State courts and the efforts to belittle their powers and prerogatives are not accidental. Seemingly well-meaning people and organized political legal organizations have over the years constantly sought to invent or create "Federal questions" out of State matters to expand the powers and last resort appearances of Federal courts. Once the people have become conditioned to believe that a Federal judge dispenses fairer justice than a State court judge—even though both individuals may have studied at the same law school and come from the same environment—there remains only the routine process of whipping State courts into line as a form of low Federal courts. This is sought to be justified as a necessity to bring about uniform court decisions nationwide for equal justice to all.

Earlier this year at a National Conference on the Judiciary, which met at Williamsburg, Va., several unique and unprecedented events took place.

First, the President of the United States, as Executive, appeared on the same platform with the Chief Justice of the United States, representing the judicial branch, and addressed not only Federal judges but also State court judges, administrators, and State officials such as attorneys general and State administrators who handle the grants from the Federal Law Enforcement Assistance Administration.

The Federal conference, chaired by retired U.S. Supreme Court Justice Tom C. Clark, chided the State judges about heavy dockets and judicial delays without at anytime confessing that many of the problems facing the State courts are a direct result of officious intermeddling and quasi-appellate usurpation by the Federal judiciary.

But more important was the proposal by the Chief Justice, Warren Earl Burger, to "bring into being some kind of national clearinghouse or center to serve all the States and to cooperate with all of the agencies seeking to improve justice at every level." The Chief Justice concluded by offering the full cooperation of his office and the facilities of the Federal Judicial Center and the Administrative Office of the U.S. Courts to the State judges.

And this momentous occasion was not spontaneous. It follows the pattern of uniform laws and uniform decisions through eroding State laws and courts which has long been the goal of such tax-free organizations as the National College of Trial Judges, the American Judicature Society, the Institute of Judicial Administration, the Conference of State Trial Judges, the Appellate Judges Conference, the Council of State Governments and the Conference of Chief Justices.

Apparently President Nixon's appearance was in support of one facet of his revenue-sharing program. The State judges and State law enforcement officials, for their cooperation in surrendering the independence, powers, and prerogatives of their offices, are to be rewarded with grants of taxpayers' money from the Law Enforcement Assistance Administration—presently headed by Mr. Jerris Leonard, former Director of the Civil Rights Division of the Department of Justice. Other rewards for going along with the new Federal court nationalization plan come from the American bar endowment and other tax-free foundations.

Our past experiences with Federal grants to State schools and Federal funds to State welfare agencies should by now prove that any State agency that accepts Federal funds becomes a Federal agency controlled by Federal guidelines, rules, redtape, and regulations. More so, Federal fund recipients become subject to class action suits which end up in the Supreme Court of the United States asking for the ultimate decision. This may well be what the Chief Justice means when he says he will participate "only when asked to do so."

The Washington papers within weeks reported on the progress of the proposals of the Williamsburg meeting that "the Nation's lower courts have established a National Center for State Courts." The new State court organization is quite naturally patterned after the Federal conference on the Judiciary and is to establish temporary headquarters in Washington.

U.S. Chief Justice Burger has reportedly said that the aim of the new National State Court Center would be to promote and support research, studies, education, training, and activities for State courts. This control by uniformity and centralization is said to be "for the purpose of improving the administration of justice in the State courts."

News releases are already referring to the State courts of our land as "lower courts." Apparently this describes the intended inevitable goal of the program; that is, to rank State courts as inferior to Federal courts even though there is nothing in the Constitution so providing.

We are reminded of Vyshinski who, before becoming a Soviet diplomat, wrote the official commentaries on the Soviet constitutional system. He states openly that the judicial process is one of the instruments of political struggle, first for the success, then for the defense, of the Socialist revolution.

I recently received correspondence indicating that Federal funds under the Law Enforcement Assistance Act passed by Congress, without our vote, were being offered to the judges of our State. You may recall that many Congressmen who voted for the LEAA bill which was called amendments to the Crime Control and Safe Streets Act were of the opinion that the money was to be used in upgrading police officers and law enforcement agencies to better handle the evergrowing crime problem in our Nation. Associate Justice Frank Summers of our Louisiana Supreme Court questioned the legal correctness of paying a percentage of law clerk salaries, Federal funds for additional books in the law library and he raised serious questions about the propriety of the grant as well as the loss of independence to our State judiciary upon accepting such funds.

Justice Summers indicated his indignation by saying:

Federal grants will not strengthen our local governmental units . . . this Court particularly . . . but in time the Federal help will bring with it Federal domination.

If the LEAA "on-going" plan is permitted to involve this Court, it is only a question of time until we find ourselves so much enmeshed in Federal "help" and then "control," which inevitably follows, that the Court's identify as a State institution will have ceased to exist.

I submit that the independence we have heretofore enjoyed as a State Court will be impaired by the requested grant, the purpose of the Act will not be served, and this Court will enjoy no benefit by the use of Federal funds.

Our Louisiana Legislature, likewise concerned with the efforts of the Federal bureaucracy to infringe upon the independence of our State judiciary, passed a senate resolution introduced by Senator Claude Duval by a 35 to 1 vote, asking the Supreme Court of Louisiana to reject Federal funds. The text of the resolution is as follows:

A RESOLUTION RELATIVE TO THE USE OF FEDERAL FUNDS BY THE STATE OF LOUISIANA

Whereas, the functions of the Supreme Court of the state of Louisiana are now provided for solely through state funds; and

Whereas, it has come to the attention of the Senate of the state of Louisiana that the Federal Safe Streets Act and other Federal legislation is purported to grant to the Supreme Court of Louisiana funds for additional law clerks and/or other expenses; and

Whereas, the Supreme Court of Louisiana should be solely supported by state funds and appropriations so that it might maintain its independence so necessary in the impartial administration of justice; and

Whereas, the acceptance of Federal funds by the Supreme Court of Louisiana would tend to inject into its function reliance upon Federal funds; and

Whereas, the Senate of the State of Louisiana feels that the functions of the Supreme Court of Louisiana should be solely supported by state funds.

Therefore, be it resolved that the Senate of the state of Louisiana does hereby urge and request that the Supreme Court of Louisiana reject the use of Federal or other funds for its operations other than those appropriated and made available by the Legislature and Governor of the state of Louisiana.

I have been advised that the Louisiana agency for the Federal LEAA funding has not made the proposed grant to our State Supreme Court, at least at this time, thanks to the courageous and forthright action of a minority of our Louisiana Supreme Court justices.

But the threat of a federally controlled State judiciary is constantly present.

The price of freedom is eternal vigilance. We must all remember that with Federal moneys comes Federal control and a complete loss of State sovereignty and independence.

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## OPTOMETRISTS COMMEND SENATOR KENNEDY

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. DRINAN. Mr. Speaker, as a cosponsor of H.R. 2162 proposing a progressive program of National Health Insurance which is identical to Senate bill No. 3, I was pleased to note that the New England Council of Optometrists unanimously adopted a resolution at its 49th annual meeting, expressing the organization's appreciation of the work done on this legislation by Senator EDWARD M. KENNEDY, my distinguished colleague from Massachusetts, who played such an important role in the drafting and introduction of the bill.

The text of the New England Council of Optometrists' resolution follows:

Whereas: vision care in America is a primary health care need, and in so recognizing this need, Senator Edward Kennedy (D-Mass.) and his staff have diligently labored and pursued the various needs of health care in America today, and

Whereas: Senator Edward Kennedy in his recently sponsored legislation has proposed a bill that would greatly increase the availability of vision care to the American people and also establish the professional services of optometry as a primary provider of these services, therefore

Be it resolved: That the New England Council of Optometrists assembled extends its appreciation and thanks to the Honorable Edward M. Kennedy, Democratic Senator from Massachusetts for his untiring efforts to insure vision care as a primary health need for Americans.

The support of organizations such as the New England Council of Optometrists is vital to the enactment of comprehensive health legislation for the good of all Americans. I would like to add my personal expression of appreciation to Senator KENNEDY for his leadership on this legislation.

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## DEBATE ON H.R. 1

### HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. MITCHELL. Mr. Speaker, myself and many of my distinguished colleagues voted to strike title IV from H.R. 1 yesterday because we felt that it contained numerous harmful provisions that overshadowed the laudable principle of a guaranteed annual income for all Americans. I and numerous other Members detailed the defects of these provisions during a special order on welfare reform this past Friday as well as during yesterday's debate on H.R. 1.

I am certain that if the American people are made aware of the injurious aspects of the legislation which we passed yesterday, they will alert their Senators to these provisions so that they can be modified during Senate consideration of the bill.

Columnist Carl Rowan and National Welfare Rights Organization executive director George Wiley have both written in today's Washington newspapers about some of the harmful portions of the bill. I commend these articles to my fellow legislators and to the American public at large.

The articles follow:

[From the Washington Star, June 23, 1971]

WHY WELFARE REFORM BILL AROUSES OPPOSITION

(By Carl T. Rowan)

Why in the world would the National Welfare Rights Organization oppose a welfare reform measure which finally establishes the principle that no family will be allowed to sink below a certain level of degradation?

Are poor people abandoning this floor of $2,400 a year for a family of four out of some naive notion that Congress will soon approve a floor of $6,500, the amount government studies say is the minimum needed for a decent urban life?

No. If it were just the money level, poor people would accept the measure that Rep. Wilbur Mills has pushed to the floor of the House, according to George A. Wiley, NWRO's executive director.

But Wiley cites several little-publicized aspects of the bill that are insulting, demeaning or simply threaten to make hundreds of thousands of poor people worse off than they are under the current crazy jumble of welfare laws.

Wiley points out that the $2,400 federal benefit level is less than current benefits plus food stamps now being received by welfare families in 45 states and the District of Columbia.

Unless NWRO and others can persuade state legislatures to approve programs to supplement the family assistance plan, which is highly unlikely, 90 percent of the welfare families in the country will be worse off after welfare reform.

"We fear that this so-called $2,400 floor will actually become a ceiling," Wiley says.

The reform measure would deny benefits to any family the head of which is a regular student at a college or university—presumably a congressional slap at "student troublemakers." Wiley points out that many welfare mothers attend college under the Work Incentive Program (WIN) and that this new restriction would discourage heads of welfare families from attempting to lift themselves.

NWRO people are deeply concerned that

eligibility for family assistance payments would no longer be based on current need, but on a complicated formula involving what income the family had over the last quarter, or three-quarters.

Under the new law, if a family had $4,320 income over nine months and the breadwinner lost his job, that family could not get welfare help for three months no matter how genuine its need. The law makes the absurd presumption that the family would save enough of the $4,320 to hedge against a period of unemployment.

Wiley points out that this works heavily against migrant workers, seasonal workers and poor minority people who suffer frequent periods of joblessness.

This new restriction also will affect greatly poor workers who seek to organize unions. Without fat strike funds, they have relied on welfare in the event of a strike or lockout. Under the new bill, with welfare unavailable, unionizing activities would become less plausible.

NWRO is especially irritated that the new bill mandates forced work for mothers of children over the age of 6, and after 1974 for mothers of children over 3. Lack of acceptable child care is not recognized as a ground for refusal of employment or training.

Wiley is irritated even more by a "reform" provision which says parents must accept work or training at 75 percent of the federal minimum wage, or $1.20 an hour at present standards. The bill not only would terminate payments to parents who refuse, but directs payment of their children's grants to a third party who would be authorized to manage the family's affairs.

Wiley sees this measure as a form of indentured servitude which "would exploit blacks at $1.20 an hour. This law would undermine wages in marginal industries, for why will anyone pay more if the government hands over a forced supply of cheap laborers?"

There are many other provisions that make Mills' reform measure unacceptable to poor people—especially since the family assistance plan was sent to the House under conditions where it must be voted up or down, without amendments.

Small wonder that the bill is bitterly opposed by the Black Caucus and liberals who see it as a cruel hoax—and by the conservatives who don't want any welfare plan at all.

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[From the Washington Post, June 23, 1971]

WELFARE: A REPLY TO SECRETARY RICHARDSON

(By George A. Wiley)

In his statement which appeared in these pages on Monday, Secretary of HEW Elliot Richardson persuasively documented the need for reform of our present public assistance system. He failed to demonstrate, however, that Title IV or H.R. 1, the so-called welfare reform bill which passed the House yesterday, in any way meets the welfare crisis which is facing this country today.

Although H.R. 1 extends welfare coverage to several new categories of people this extension is coupled with severe reductions in the aid furnished current welfare beneficiaries. The vast majority of these families—headed by women, predominantly black or from other minorities—will be substantially worse off under FAP than they are under present law. In some 22 states, the federal grant level of $2,400 guaranteed by H.R. 1 is less than the amounts presently paid under Aid to Families with Dependent Children (AFDC). In 45 states, present grant levels together with the benefits available under the Food Stamp Program (which will be eliminated for welfare recipients under the proposed bill) are greater than the $2,400 federal grant. This could mean drastic cuts in the meager welfare grants of over 70 per cent of the current AFDC population. Seven to ten million women and children would be affected.

Although Secretary Richardson attempted to minimize these harmful effects on the poor by asserting that many states will elect to supplement the federal grant from local funds, little in the bill supports his contention. H.R. 1 provides no federal matching grants to encourage the states to provide their own funds for the welfare program. The "hold-harmless" provision in the bill only protects the states against costs due to increases in the welfare rolls *if* the state chooses to supplement, and then only after the state has spent as much money as it spent in 1971. As the secretary must recognize, most states today are looking for relief from their *current* welfare costs and they cannot be expected to contribute even at current levels without a federal requirement that they do so, or some substantial federal incentive.

H.R. 1 abandons the concept of current need which has been the guiding eligibility principle of our present welfare system—one of the few humane aspects of that system. Under the new accounting period regulation of H.R. 1, persons may be disqualified for federal assistance if at some time during the previous nine months they received income which, if earned regularly, would render them ineligible for aid. It is inconsequential whether a family has any previous income available to meet its current need. Thus, for many families, assistance will no longer be available when it is needed most—after a death of the head of household, or the loss of a job, and they will have to wait up to nine months before they will again become eligible. And many families with seasonal or other irregular incomes, such as migrants and small farmers, will be regularly denied benefits.

Title IV of H.R. 1 denies recipients rights and due process protections guaranteed under present law. Durational residence requirements, which have been struck down by the Supreme Court on three separate occasions, are nevertheless included in the bill. The purpose of their inclusion could only be to harass recipients until the issue is again decided by the courts. The Supreme Court ruled in 1970 that recipients must be granted a full hearing *before* their grants may be terminated. Yet the committee report on H.R. 1 indicates that recipients who attempt to exercise that right will have to repay any benefits received during the pendency of their case, if the appeal is not successful. Again, the bill seeks to deter the exercise of constitutionally protected rights.

Rather than trying to alleviate poverty, the bill seeks to perpetuate the myths which have prevented this country from coming to grips with poverty in an honest and effective manner. Numerous studies by HEW and the Department of Labor indicate that welfare recipients are eager to work when adequate and suitable jobs are available to them. The major obstacle to employment for welfare recipients is not that they wish to remain on the public dole, as many in our society would argue, but that adequate numbers of jobs are simply not available. Yet H.R. 1 contains a work requirement which implies both in its scope and administration that poor people must be forced to work. The requirement will only provide an opportunity for officials to force recipients into demeaning and low-paying jobs which reflect the racist and sexist attitudes of the society at large.

If the Nixon administration was serious about providing work opportunities for the poor, it would not have vetoed the Public Service Employment bill passed by Congress last session. The 200,000 public service jobs created by H.R. 1 do not nearly meet the needs of the many welfare recipients who seek employment and ignores the pool of over 5 million unemployed workers whose families may ultimately find their way onto welfare.

Along with an adequate public employment program, the administration should have supported adequate work incentives which allow a recipient to keep the benefits of his labor. H.R. 1 does not allow a recipient to deduct any of his work related expenses and in several other significant ways seriously weakens the work incentives which are provided under current law.

It may be argued that despite its oppressive features, H.R. 1 should not be opposed by persons who favor welfare reform because, in the words of Secretary Richardson, there is no other alternative. There are of course numerous alternatives, including a specific set of proposals prepared by the National Welfare Rights Organization which would insure that no one would be worse off under FAP than under the present welfare system.

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## FACT AND FICTION

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. BRAY. Mr. Speaker, the following editorial from a recent Indianapolis Star carries some sobering truth about the chances for release of American POW's. As the experience of the French shows so stark and clear, we cannot afford to make the same mistake they did.

The editorial follows:

FACT AND FICTION

A rumor is being circulated to the effect that the North Vietnamese Communists will release all American prisoners of war within 30 days of an agreement to withdraw all U.S. military personnel from Indochina.

Anyone who believes this rumor should read the treaty the Vietnam Communists signed with the French government on July 20, 1954, during the Geneva Conference.

Article 21 of that treaty reads in part as follows:

"All prisoners of war and civilian internees of Vietnam, French and other nationalities captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war and in any part of the territory of Vietnam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theater."

So reads the treaty. And did the Vietminh who now call themselves the Democratic Republic of Vietnam (DRV) keep the agreement they signed: They did not.

Eight years later, on Nov. 17, 1962, the North Vietnamese government announced over Radio Hanoi:

"After a rather long period of negotiations between the DRV and the government of the Republic of France on the repatriation of French soldiers who had surrendered, on Oct. 25 (1962) the representation of the Republic of France sent a message to the DRV Ministry of Foreign Affairs stating that it had been authorized to work out a plan for transporting, commencing November, 1962, French soldiers who had surrendered and who had applied for repatriation."

As history records, the Communists of North Vietnam not only did not keep the promise they pledged in the peace treaty—they kept their prisoners for more than eight years before they were released.

Does the American public want its govern-

ment to make the same deal with the Communists the French made 17 years ago?

We say no. Let us get the prisoners first, lest American wives and mothers go through the same agony Frenchwomen did because their government made the mistake of trusting the Communists.

## NATIONAL EDUCATIONAL TRUST FUND

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. EILBERG. Mr. Speaker, the monetary crisis currently faced by the Philalelphia School District offers convincing testimony for the contention that this country's educational institutions desperately need significant financial support. In spite of forward-looking ideas, the services of the Philadelphia schools have been victimized by financial erosion.

Expenditure cutbacks in areas that Philadelphia educators regard as essential to a satisfactory educational program have been the result of the continuous diminution of available funds and encroaching problems invited by a rapidly mounting debt. In reality, this dearth of essential moneys has literally starved extensive, quality programs out of existence.

In the Philadelphia School District's budget for 1971–72 there has been a 10-percent across-the-board reduction—$405 million to $365 million—with the possibility that additional cuts of up to $70 million may be necessary depending on the extent to which new revenues are forthcoming. The direct consequence of these reductions has been that instructional service has been reduced to a bare minimum. Specifically, the budgetary cuts have drastically affected these aspects of the school program: first, the number of teachers has been reduced 8 percent; second, class sizes have been increased; third, supervisory staff, especially for new teachers, has been virtually eliminated; fourth, all extracurricular activities, from dramatics to varsity sports, have been eliminated; fifth, summer programs have been drastically curtailed; sixth, evening programs, instructional and recreational, have been discontinued—with the exception of State-mandated programs; seventh, health services have been cut back; eighth, administrative services have been reduced 10 percent; and ninth, staff development programs have virtually ended.

The ramifications of these cutbacks, in terms of negative consequences on the educational development of children, are blatantly discernible. In addition, the school district's concerns for innovative programs, its plans for upgrading the quality of existing services, and its designs for improving upon and disseminating the educational gains that have been made in the last past 5 years, have all been preempted by balance-the-budget, patch-up activities. Thus the school's system is now, as at no other time in its history, in desperate need of a massive infusion of funds.

Given Philadelphia's particular need as corroborated by these recent occurrences, the school district would welcome wholeheartedly a mechanism that would insure a self-replenishing source of funds for educational purposes. The fiscal hardships currently being imposed on urban school systems throughout the country cannot be endured interminably. In light of these facts, the school district of Philadelphia views the national education trust fund, whose structure rests on the surtax principle, as an imaginative and constructive plan to avert impending fiscal disaster.

There are many details to the plan that need careful consideration. For example, we in Philadelphia would naturally be concerned that consideration is given to the high costs of providing educational programs for urban children. But we see the national education trust fund as a bold approach to dealing with the increasingly desperate circumstances in which urban school districts find themselves.

I would, at this point, like to insert in the RECORD Gov. Milton J. Shapp's proposal for a national education trust fund.

PROPOSAL FOR A NATIONAL EDUCATION TTUST FUND

(By Milton J. Shapp, Governor of Pennsylvania)

This memorandum deals with the need to adopt an entirely new concept to support the financial needs of the American Educational System.

At no time in the history of our nation has the need for financial innovation been greater.

The ever mounting cost of education is a principal factor in the fiscal crisis which faces government on every level. If we do not seek to find new ways of financing our educational system, then many of our local boards of education and the cities themselves will soon face bankruptcy.

It can no longer be argued that we can continue with present methods and to raise taxes at the State and local levels to meet the ever mounting cost of education. State and local taxes have reached such heights that the taxpayers have reached the limit of tolerance.

Yet we cannot abdicate our responsibility, cut back on funds for education and sit by while our education system and our entire society erodes.

Already we are seeing the results of much present neglect. Crime and welfare are direct outgrowths of our inability to meet the human needs of our population. For every dollar we fail to put into education, we pay many times over in increased funds for protection and public assistance.

Therefore, I am proposing a new concept and a new method of financing the educational needs of our people.

The method is the creation of a National Education Trust Fund.

The concept is that education is not a cost item but an investment in the future growth of this nation.

As applied to the entire field of education this concept is extremely sound for there is no other investment that can be made in the public sector of our economy that will yield a direct and measurably higher yield. More and higher quality education leads to greater productivity. Greater productivity leads to higher personal and corporate earning power. Higher earning power, in turn, produces more tax revenues. As a result, the initial investment in education pays off handsomely in future yield to the community and to the nation.

There is more than ample evidence to prove this contention. It has been estimated by some economists that the future tax yield that would be generated by a continuing policy of maximizing investment in education would be at least 10 times the investment.

The World War II G.I. Bill of Rights is a clear example of the economic returns that can be expected from Federal investment in education.

The increased tax yield expected from the higher lifetime earnings of the direct beneficiaries of the G.I. Bill will, alone, repay many times over the cost of the program.

It is not possible to calculate the additional economic gain to the nation that resulted from a whole new cycle of technological and economic development made possible by this massive educational breakthrough.

Yet, we continue to consider education as just another operating cost of government and we do so because we have become captives of a tradition.

If we are to break out of the financial chains that throttle educational progress, we can pattern a new mechanism along the lines of the Federal Highway Investment Fund originated during the Eisenhower-Nixon Administration.

The mechanism for handling our investment in education—and for guaranteed repayment of this investment by those who benefit from it—is at hand.

There is ample evidence that the Federal Highway Trust Fund, created in 1956 was not only financially wise, but supplied the major impetus for the modern highway system in America today.

I propose that we utilize this experience to create a National Education Trust Fund (NETF) which would invest in people just as the Highway Trust Fund invests in roads.

We can create a large scale revolving NETF fund by requiring those who would benefit most through increased educational opportunities to repay the fund with a small continuing surtax when they leave the educational system and become wage earners. This parallels the plan whereby relatively low Federal taxes on gasoline and some auto supplies replenish the Highway Trust Fund and pay for the construction of new highways.

It is obvious we would not have our modern, interstate highway system today if we had left the task of financing and building new roads to our states, cities and townships. Yet this is precisely what we are doing with our present, fragmented system for financing education throughout the country.

The self-supporting National Education Trust Fund would call for:

1. An initial investment by the Federal government of $5 to $10 billion.

2. An annual surcharge on federal income taxes according to a formula based on earning power and years of schooling. That formula would be based upon a number of factors including:

a. The level of education achieved by the individual taxpayer.

b. The number of years he has been out of school and earning his livelihood.

c. The amount of income he receives. (Thus, a Ph.D. in Physics, out of school for 20 years, might pay a higher surcharge on his federal income tax into the fund while a nurse out of school five years would pay considerably less. A person satisfied not to seek

a college education might pay an even lower surtax.)

Normally, as long as a person was pursuing his education, he would pay no surcharge. We would not become liable until he had been out of school for several years, or until his income reached some selected minimum level.

I want to emphasize at this point that details of this program could be worked out in legislative committee and executive policy sessions. I am not wedded to specific figures or formulas, but the above proposals indicate that such formulations are certainly possible.

I do not envision such a program as an attempt at Federal control of education. I firmly believe that educational programs and policies should be decided at the local level as they are today. But I see no conflict between the proposed NETF and traditional local control.

At present, for example, the states pour vast amounts of money into local school districts. Yet, those districts retain their own School Boards and their autonomy. There is no reason why local autonomy cannot be retained while the Federal government establishes a fund and works with the states to assure survival and improvement of the present system.

Financing a self-supporting National Education Trust Fund would permit this nation to guarantee our future by the best business deal ever made—investing in education for all of our citizens, pre-schoolers, school children, college students, trade school and professional school enrollees. It could even supply the necessary funds for the increasingly critical area of on-going retraining and continuing adult education.

For example, the NETF might decide to finance the crucial pre-school years on a 90 per cent federal—10 per cent state and local fund basis—as we do for the principal interstate highways. The NETF might finance elementary and secondary school years on a 50–50 ratio and college and professional training on a 60–40 basis, or some other arrangement based upon more detailed economic studies. The percentages could be flexible, but the principle is clear. We can use this fund to give emphasis where needed in the national interest and the interest of society in general.

Philadelphia along with many other major cities now faces a severe crisis. We cannot afford to delay creation of the self-supporting National Education Trust Fund. The current method of financing education not only falls short of providing adequate funds, but actually leads to considerable financial waste.

Right now, the Federal Government is pouring millions of dollars into the highly successful Get Set pre-school preparatory program. Get Set has proven that it does help disadvantaged children do better when they get into kindergarten and elementary school.

But, because of the virtual bankruptcy of the Philadelphia School System, kindergarten may be eliminated next year—wiping out any beneficial effects of Get Set. In addition, the Philadelphia School Board is considering dropping all varsity and intramural sports next year, a situaton which cannot help but worsen an already difficult teen-age gang problem in Philadelphia.

Without increased funding from the Federal government, the dollars now supplied by state and local governments will continue to be inadequate and city school systems will turn out a new "Lost Generation," ill-educated and unprepared to cope with the growing demands of a technological society.

At present, it costs the state and Federal governments in Pennsylvania about $3433 to support a welfare family of four for one year. Many families spend ten, twenty, or even more years on welfare. In fact, there are some third generation families now on welfare, and the cost of their support is bound to rise.

The alternative I propose is an appealing one. It calls for investment now, and a continuing investment in a constructive policy of education that will create jobs. It will pay dividends to our society for many years to come and reduce the need for additional welfare funds in the future as we provide the opportunity to make a greater percentage of our population self-reliant.

This investment program must be accomplished on the national level because only the Federal government has the power to insure uniformity of taxation, and only the Federal government can absorb the initial cost of priming the self-supporting trust fund. Also, because of the increasing mobility of our society, investments by individual states and cities might never be repaid to those governments.

Our citizens have wide mobility, and it is wrong to penalize a city or a state by forcing it to finance a major educational system for people who then move to other communities or states.

People ask: "Can we afford a National Education Trust Fund?" This answer is that we cannot afford not to invest in education.

## JULY FOURTH IN NEBRASKA

### HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. MARTIN. Mr. Speaker, on behalf of the people of the Third District and Nebraska, I extend a welcome and wishes for safety on the road to the holiday vacation travelers on this Fourth of July.

We ask only that you exercise care and caution in traveling our Interstate 80 and other fine highways, so that you and all others may enjoy this holiday and return to your homes safely.

The many out-of-State travelers will notice the fine rest stops and recreation facilities located along Interstate 80 and other highways in Nebraska. These are provided for your use in traveling, and we urge that you take advantage of opportunities to take an occasional break from your tiring drives, stop at one of our wayside facilities to freshen up and stretch your legs, and catch a breath of our clean, fresh air.

Of course we welcome you into any of our many fine communities which are within a few minutes along the main thoroughfares. Besides the excellent Nebraska beef and food you will find available, our overnight facilities, automobile and other services are easily accessible, and you will be greeted by warm and friendly Nebraskans.

For those of you who have time, we invite you to the midwestern hospitality that you will find in a side trip through the plains area, at the beginning of the Old West, or along the Mormon or Oregon Trails. There is much of historical importance to interest you in our area, and of course our clean fresh climate is for all to enjoy.

Again, our welcome to you, invitation to visit our fine land in more detail, and request that you observe traffic laws and conditions for a safe and enjoyable trip on this Fourth of July.

## MINNESOTA HEALTH HEARINGS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. FRASER. Mr. Speaker, at the recent Minneapolis health hearings three representatives of nurses organizations provided important testimony regarding the pivotal role of the nurse in the delivery of health care.

Isabel Harris, R.N., dean of the University of Minnesota School of Nursing, pointed out the ill-advised budget cut proposed by the administration for fiscal 1972, and discussed its impact.

Ruth Lunde, R.N., the executive director of the Minnesota Nurses Association directed her testimony toward restructuring our present system of health care, focusing on the need to establish a rational system.

Mrs. Grace Terry, R.N., the executive director of the Minnesota League for Nursing presented a statement adopted at their conference held February 25–27. It was a privilege to be asked to take part in their conference.

Their testimony provides compelling reasons why the Congress must recognize the critical role provided by nurses. We can support their efforts in the short-run by extending and improving the Nurse Manpower legislation due to expire June 30, 1971. In the long run, nurses must be important representatives in all efforts to improve our health system.

TESTIMONY OF ISABEL HARRIS, DEAN, UNIVERSITY OF MINNESOTA SCHOOL OF NURSING

Congressman Fraser, Ladies and Gentlemen: The University of Minnesota School of Nursing is the only graduate program in nursing in the upper midwest area and the only school in which a large variety of health care professionals are being prepared in the same situation. The opportunity provided for interdisciplinary learning holds promise for improved health team functioning.

In contrast to many other health science disciplines whose interests are more in the pathology or disease an individual is experiencing, a major contribution of the nurse has been and is increasingly involved in promotion of health—of individuals, families, and communities.

The School of Nursing has as a primary concern the education of nurses of essentially three types. The first type is the group of students whose initial study of nursing is in the baccalaureate program; a second group is comprised of individuals with some previous preparation in nursing who wish to complete baccalaureate preparation in order to make a greater contribution to health care. The third group are those students who are seeking graduate preparation—to meet our most critical need within the present nurse shortage. This latter group, on completion of graduate study move into teaching positions to increase the capacity of all nursing programs to prepare health

manpower, and into increasingly responsible positions in the delivery of health care to innovative ways. The continuing availability of traineeships and loans to these students is essential if health needs are to be met. Three hundred ninety seven nurses have received graduate preparation in the School of Nursing since 1956 when the first Nurse Training Act was passed. Of these, I believe approximately 380 have received federal traineeships. Few would have been able to do so without the financial support they received. Approximately 400 registered nurse baccalaureate students have received financial support under the same legislation. The present provision expires in June 1971. It is essential that the Nurse Manpower Training Act of 1971 (H.R. 4156) introduced February 10 by Congressman Paul Rogers be enacted. I strongly urge your support of this or comparable legislation.

The University of Minnesota has a unique role in that it is the only source of teachers, clinicians and other leadership personnel in nursing in the upper midwest area. To meet the need for practical nursing, junior college, diploma and baccalaureate programs in nursing in the next five years we are planning to triple enrollment in the graduate program. This will not quite meet the numbers projected by the various schools as their need for new teachers in the same time period—needs occasioned by establishment of new programs, planned growth for existing programs and attrition of faculty through retirement, illness and other causes. We are studying ways of extending the capabilities of both the nurse practitioner and the teacher through development of auto-tutorial programs, validation examinations with supportive study techniques, and multimedia teaching strategies that will permit increased class sizes as well as acceleration and deceleration appropriate for special students. Without traineeships, project grants for improving methods of teaching, and funds for remodeling and construction, we shall not be able to meet the need.

A further concern of this School of Nursing is its responsibility for providing continuing educational opportunities for nursing practitioners, faculty in schools of nursing and other leadership nursing personnel. Funding supplied by the short-term traineeship program is essential to the provision of this service to improve the care being provided to people. As nurses increasingly assume responsibility for health promotion, needs not presently being met—can bet met, and physicians and other specialists can be freed to provide the medical and other specialized types of care needed by the ill and injured. These responsibilities of health promotion are new for many nurses—and they want and need the instruction necessary to assume the extended role. Nurses are already present in many of the rural areas; with opportunity for continuing education they could provide much care that is needed.

Faculty of the School of Nursing have been involved in the development of Primary Nursing—an innovative way of organizing delivery of nursing care which is still in process of development at University Hospitals. Early assessment indicates that this holds great promise for better patient care as well as providing an opportunity for professional nurses to derive much greater satisfaction from their practice. As a consequence it seems highly probable that this may contribute to greater stability of staff—a factor that has important economic implications.

In closing I should like to indicate that we feel we have much to contribute in resolving the health care crisis. And yet, while in the proposed budget for 1972 funds for education of other health professionals has increased by $90 million over 1971, there is a $6.6 million decline in the proposed budget figures for nursing. No existing or proposed health care system will work without adequate numbers of qualified nurses. I strongly urge your support of increased funding in 1972 for nursing.

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STATEMENT PRESENTED BY RUTH LUNDE, R.N.

Congressman Fraser: I am Ruth Lunde, Executive Director of the Minnesota Nurses Association, an association representing 5,700 registered nurses in Minnesota. The Minnesota Nurses Association is a constituent of the American Nurses' Association which has a membership of approximately 185,000 nurses, all members of their respective state nurses association.

The concerns of nurses for health care can be identified in three major areas:

1. The need to restructure the health care system into a rational, cohesive base for meeting the health care needs of people, placing more emphasis on preventive care and ambulatory services.

2. The development and support of programs that will provide for the best use of health workers because the provision and availability of care is dependent upon adequate numbers of prepared workers to give that care.

3. Support educational programs for the preparation of nurses at the basic level; i.e., in programs preparing practical nurses and registered nurses. It is also imperative that emphasis be given to graduate programs so that adequate numbers of prepared faculty are available and that there are enough persons prepared in leadership positions. Within this system, opportunity should be provided for disadvantaged persons and also permit, for all, the opportunity to progress from one level of education and training to a higher level without having to begin again. This concept, the career ladder concept, is supported by the Citizens' Committee for Nursing in Minnesota and also by our association.

To go back to the first point, that of restructuring the health care system into a rational, cohesive base for meeting the health care needs of all people, the American Nurses' Association supported Medicare legislation. The ANA in a resolution adopted by its House of Delegates in Miami in May, 1970, supports the development and implementation of a national health insurance program, so that all people may have access to care.

In restructuring the system, some of the gaps in the present system should be considered. We believe these gaps should be closed through focusing on services that would maintain health (preventive services), to avoid unnecessary hospitalization through provision of ambulatory health care services, development of family health care counseling services, home health care services, meals on wheels, household assistance, etc.

The present insurance system does not give recognition to the fact that hospitalization is not always necessary. It should be possible for people to be treated on an out-patient basis thus reducing the cost by not using expensive hospital facilities. Such service would also keep the worker on the job, not disrupt the family, and the patient would still be receiving adequate and necessary care.

In the care of the elderly and chronically ill, the needs are not being met either because of problems of supply and distinction and/or because of problems with the *interpretation* of "skilled nursing care" for reimbursement under Medicare.

The current interpretation of the medicare law by the intermediary regarding "Conditions of Participation" defining "skilled nursing care" (Section 405.1228), does not give recognition to the fact that home care, under the supervision of a public health nurse can help prevent repeated hospitalization and regression of illness. Let me cite an example. The patient was a diabetic, who also had problems with getting around in her home due to arthritis. She tended to be depressed, apprehensive about her symptoms and often was unable to sleep. She expressed apprehension about the ability of the person in the home to care for her adequately. The nurse provided support for her, was able to evaluate her condition and communicate with the patient's physician about her needs. An important factor in the care of the diabetic is adequate foot care. The patient would not let the person in her home do this for her, but would do it herself, risking the possibility of injury because of impaired vision. On one visit the nurse noted a lesion on the foot and signs of inadequate circulation. The nurse contacted the doctor and instructed the patient in the treatment prescribed. The patient was reticent to report symptoms to her physician, but seemed to discuss them freely with the public health nurse.

Before home health care services were initiated, she had been hospitalized frequently for minor complaints which resulted in fear and emotional crises. Since being visited, she was only hospitalized twice for the care of physical problems. Although being under home health care services for more than a year, her condition was not stabilized. Deterioration of her physical condition was evident. The patient needed frequent nursing visits to help keep her out of physical and emotional crises and decrease the number of hospitalizations. Visits during the two month period at the time of the report were rejected for reimbursement by Medicare.

The interpretation is that care being given to the chronically ill is not skilled care, but that it is custodial care. The chronically ill need skilled care to prevent regression and repeated hospitalization; therefore, the need to clarify and not limit it to recovery from initial phases of illness. We urge your attention to this need.

Another illustration of gaps in care to the elderly are shown by these statistics. According to 1970 census figures, there were 28,710 Minnesotans over 65 who needed nursing services. Of these 10,369 (365) were served by public health nurses.

In out-state areas, less than ⅓ of those needing care had it available to them (statistics based on formula established through 1965 National Health Survey data). A bill has been introduced in the Minnesota legislature that would make community health services mandatory in all counties in Minnesota.

Development of a more complete system without gaps is dependent upon an adequate supply of workers to provide that care. Specifically to nursing, the president's budget while increasing by over $90 million the funds for educating other health professionals, decreases by $6.6 million the funds for nursing. In the crucial student loan program there is a cut of $7.5 million from slightly over $17 million appropriated in 1971. The president proposes, moreover, not to release until 1972, $1.5 million of the total sum of $9.5 million authorized by Congress for nursing school construction.

On February 10, 1971 Rep. Paul Rogers of Florida introduced the Health Manpower Training Act of 1971 which would provide assistance to all nursing education programs and to students in these programs. This has been a major source of financial aid for all nursing education programs as well as traineeships, scholarships and loans through the Health Manpower Act of 1968.

In Minnesota in the period 1965–1969 $697,589 in construction grants was granted to two diploma programs. A project grant to improve methods of teaching, utilization of

faculty and new approaches to curriculum have been awarded to all types of nursing education programs in Minnesota (one to a baccalaureate program, four grants to a hospital diploma program and one to an AD program). Students in all programs have benefited by scholarships, loans and traineeships. We strongly urge your full support of the Rogers bill so that nursing education programs in Minnesota can continue to provide the quality of education it has provided in the past and also prepare nurses in graduate programs for leadership positions in nursing. Dean Isabel Harris, University School of Nursing, will elaborate further on her needs.

For your reference about the needs in Minnesota for nursing, I refer you to the Recommendations of the Citizens' Committee for Nursing in Minnesota found in the brochure "To Meet the Need".

Thank you for this opportunity to express some of the concerns of nurses for the provision of health care for all citizens of Minnesota.

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STATEMENT FROM THE MINNESOTA LEAGUE FOR NURSING, PRESENTED BY MRS. GRACE TERRY, EXECUTIVE DIRECTOR

I represent the Minnesota League for Nursing which is an organization whose membership includes not only nurses, but also allied health professionals and other members of the community who are interested in improving nursing education and nursing services. The following statement was prepared as a statement of consensus by 200 persons registered at a conference sponsored by the Minnesota League for Nursing yesterday and Thursday. "The Minnesota League for Nursing supports the premise that health care is an inherent, legal right of every American citizen. We believe an improved health care delivery plan must encompass all of the following basic components: (1) Health maintenance, (2) Primary care, (3) Specialty care, (4) Restorative care and (5) Health related custodial care. The Minnesota League for Nursing further believes it is essential that nursing be involved in planning for any changes in health care delivery systems."

One of the program committees of the Minnesota League for Nursing, the Minnesota Assembly of Home Health Agencies, has been concerned with bills now before the Minnesota legislature which would provide for licensing of proprietary home health agencies, thus making such agencies eligible to become providers of service for Medicare and Medicaid recipients. We understand that at least one proprietary agency which operates nationwide is seeking change in Social Security standards to allow proprietary home health agencies to be certified as Medicare and Medicaid providers without state licensure. The Board of Directors of the Minnesota League for Nursing is on record as opposed to licensure of proprietary home health agencies or any other means which may be employed to allow such agencies to become certified as providers of Medicare and Medicaid. We hope that any national health program which is enacted will include provision for health care. While we believe that proprietary home health agencies are making a contribution by providing home health services to people able to pay for them, we believe that tax monies should not be used to support such services. We believe that home health services, if tax financed, should be offered only through presently existing community-based, non-profit home health agencies or such new community based, non-profit agencies as might be established to meet future needs. We are opposed to the licensure and certification of proprietary home health agencies for the following reasons:

(1) Though proprietary home health agencies are making a worthwhile contribution by providing services to people able to pay for them, tax moneys should not be appropriated to support such services. Receiving licensure or not receiving it would not affect present operations of proprietary home health agencies, but would only provide opportunity for such agencies to receive tax moneys being spent on Medicare and Medicaid.

(2) Community nursing services should be available to all citizens based upon health needs rather than upon the person's ability to pay. Provision of services should be viewed as a basic right and should not be used as a means of profit-making. Members of the Minnesota Assembly of Home Health Agencies were polled recently and in no case could any of them recall an instance in which a person in need of community nursing services was turned away. Persons desiring luxury services have frequently been referred by community based programs to the proprietary home health agencies who can and will provide luxury services as desired by the patient. Should proprietary services be certified for Medicare, it seems probable that tax moneys would be used to provide luxury care.

(3) Proliferation of agencies would increase the problems of fragmentation of health services to people and is wasteful of the services of professional people. With proliferation of agencies, coordination and community planning are made more difficult.

(4) Proliferation of agencies causes splintering of the financial resources devoted to health and weakens the financial support of each agency in the community. Community-based, non-profit agencies rely on fees from private and third party sources of payment. Lessening of such income could be expected to occur if proprietary agencies are licensed. Maintenance of community-based, non-profit agencies would then require additional tax support and private contributions.

(5) Proliferation of agencies with separate administrative and operating costs will increase the over-all cost of health care.

(6) Community-based agencies practice family centered care as opposed to care centered only upon a specific patient. Since care for one family member might result in that person's being able to assist with care of another family member and so reduce the amount of professional service needed, family centered practice should be encouraged. Community based services may provide care to other members of the family of the person being served by a proprietary agency. One agency, the community-based agency, could more economically serve the entire family.

(7) Community based agencies accept responsibility for teaching of families relative to care being given, with the objective of fostering independence of the family from the agency, ultimately resulting in savings to those who finance care, whether private, public or tax monies are involved.

(8) Proprietary agencies in Minnesota have indicated interest in locating only in urban areas already served by established home health care agencies, therefore proposed services would duplicate services already available. No provision has been proposed for serving areas of the state where profit possibilities are more limited. In addition, no provision has been proposed for continuing care for patients whose Medicare benefits have run out. In other states where proprietary agencies are licensed, the patient who no longer is eligible for Medicare benefits has been shifted back to the community-based agency. In other states, quality of care which patients have received prior to being shifted to community-based agencies has been questionable. Since licensure of proprietary home health agencies could open the door to a great number and variety of agencies certified for home care, quality of care could become very difficult to guarantee.

(9) Following a study of home health care in the Twin Cities area, the Community Health and Welfare Council recommended that a single agency in each county provide centralized recruitment, training and service delivery in home health.

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## REMARKS IN SUPPORT OF H.R. 4431

## HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mrs. HICKS of Massachusetts. Mr. Speaker, I have appeared before the House Committee on Government Operations to add my voice to the many on Federal consumer legislation as embodied in H.R. 4431.

The need for further action to aid the American consuming public is real and immediate.

Let me quote to you from a cogent statement of my colleague, Congressman BENJAMIN ROSENTHAL of New York, who has been in the vanguard of the consumer movement for many years:

> The American free enterprise system, with its give-and-take in the marketplace, is basically healthy. But in the supermarket aisle, on the auto showroom floor, and across from the cashregister everywhere, the consumer must face Madison Avenue, the whirling computer and the motivational research psychologist.
>
> The consumer must face not simply outright fraud and deception but sharp practices honed to incredible subtlety. Standing alone, the American consumer cannot deal with this power in the marketplace.

It is for this reason that I have cosponsored H.R. 4431, the Consumer Protection Act of 1971.

Briefly, H.R. 4431 would set up a permanent Office of Consumer Affairs in the Office of the President, mandated by Congress to coordinate programs and activities of all Federal agencies relating to the interests of consumers, to encourage and assist in the development of consumer programs in the Federal Government, and to act as the general source of Federal policy in the area of consumer interest.

H.R. 4431 would also provide for general consumer representation before Federal agencies and courts by establishing a new Consumer Protection Agency charged with the consumer advocacy role. I am convinced that the approach delineated in H.R. 4431 would set up the most feasible machinery for coping with the Nation's consumer problems.

First of all, this bill would not establish a superstructure in the form of a new Department of Consumer Affairs. Much discussion in past years has centered around such a department. However, support for this concept has dwindled more recently on the grounds that a new department, encompassing the many consumer functions which now exist in the Federal Government would disrupt present operations and only result in confusion and inefficiency and add to an already top-heavy Federal bureaucracy.

And second, the consumer-advocacy function would be placed in an independent Consumer Protection Agency. Such an organization would be strongly partisan—partisan in favor of the American consumer.

Some supporters have proposed placing the consumer-advocacy function in the Department of Justice. However, such a function would only be buried in a huge Department like Justice, whose overriding interests are not necessarily those of the consumer.

Or placing the consumer advocacy function within the confines of the Federal Trade Commission, as others have suggested, might enmesh such a function in the inevitable conflicts of certain other programs of the FTC in which that agency must act as a referee between conflicting interests of consumers and producers.

Let me sum up by quoting from House Report No. 91–1361 of the 91st Congress to accompany H.R. 18214, which is identical to H.R. 4431:

What is provided here is a permanent office within the Executive Office of the President with statutory powers and the backing of the Congress and a new permanent independent agency also with statutory powers and the backing of the Congress. Their functions may appear to overlap in some respects but in reality they are complementary—each doing the things that its status enables it to do best. It is obvious that a coordinating role can best be performed under the aegis of the White House where the President has the ultimate power of coordination over the many different officials and agencies within the executive branch. Advocacy and representation, on the other hand, can best be performed by an independent agency which, as is intended, will be less subject to political and economic pressures than agencies with competing interests to protect or a White House Office that inevitably must be concerned with the many varied and conflicting policies which must be reconciled at that high level. Surely, consumers need the strengths that both offices can provide.

Surely, the Congress of the United States must heed the voice of the American consumer. Surely, the Congress of the United States can do no less than meet the needs of the consuming public by swift enactment of H.R. 4431, the Consumer Protection Act of 1971.

## FLAG DAY—A DRAMATIC DISPLAY AT RCA

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. HUNT. Mr. Speaker, one of the finest demonstrations of patriotism and love of country came to my attention recently in connection with Flag Day as it was celebrated at the RCA parts and accessories plant in Deptford, N.J.

It is my understanding that the vice president and general manager of that plant, Mr. Paul Garver, and his personnel manager, Mr. William Radford, developed an idea which they felt would impart a sense of loyalty to their employees and might even inspire similar ideas around the country with proper recognition.

They purchased more than 500 American flags to represent the total number of employees at that plant and proceeded to have them set along the drive leading to the plant and around the building. Call it patriotism or reverence, I am told by those who witnessed this spectacular sight that it was a deeply inspiring and moving experience.

To fulfill the idea, the employees were advised that as they were leaving at the end of the day, they could take a flag with them. When all had gone, not a flag remained.

To Mr. Garver and Mr. Radford who put their own sense of patriotism and loyalty to work, they are to be commended for providing such an outstanding and dramatic display of the American flag while at the same time enabling others to participate in a way that made the recognition of Flag Day at RCA a truly significant and meaningful event.

## CITIZENS' PETITION ON BEHALF OF THE SOVIET JEWRY RELIEF ACT OF 1971

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. BINGHAM. Mr. Speaker, I wish to inform the Members of the House that I have recently received a petition supporting passage of H.R. 5606, the Soviet Jews Relief Act of 1971. This petition has been signed by some 560 individuals from the New York area. As a cosponsor and fervent advocate of this legislation, which would make 30,000 U.S. visas available to Soviet Jews who might be permitted to leave the Soviet Union and wish to come to this country, I am pleased to acknowledge this indication of considerable public interest and to draw it to the attention of my colleagues in the House. Although Soviet leaders may prevent Jewish citizens of the Soviet Union from making use of these visas, passage of this legislation would challenge the Soviet Union to part the Iron Curtain and to abide by international standards of freedom of movement for all people. The text of the petition follows:

PETITION

We, the undersigned, vigorously register our support for passage of the Soviet Jews Relief Act of 1971, HR 5606, as amended, authorizing the issuance of 30,000 special refugee visas for the admission of Soviet Jews to the United States.

This nation has always been and should always remain a haven for the oppressed of other lands. The adoption of this bill will prove to the Soviet leaders and Jews behind their guarded borders, that Americans of all faiths, acting through their elected Congress deplore Soviet treatment of the Jewish minority and open wide the doors of this land to those who wish the right of political and religious freedom. The adoption of this bill will stand as an enduring act of American generosity in a time of need. (560 signatures)

## PRESIDENT PUSEY'S FAREWELL ADDRESS

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 23, 1971*

Mr. BRADEMAS. Mr. Speaker, a series of important votes in the House of Representatives on June 17 prevented me from attending the commencement exercises at Harvard University, where I have the privilege of serving as a member of the board of overseers. Thus I missed the final presidential address of Harvard's distinguished president for the past 17 years, Dr. Nathan Marsh Pusey.

I have had the opportunity to read the text of President Pusey's remarks on this occasion, however, and I think that they are worthy of the attention of the membership of this House.

President Pusey's long tenure at Harvard has been marked by controversy, particularly in the most recent years which have been a time of crisis for higher educational institutions in general, but it would be most unfair and unfortunate if President Pusey's great contributions to Harvard and to higher education were to be overlooked on the occasion of his retirement.

In his first years at Harvard, President Pusey impressed the Nation by the strength and dignity with which he defended academic freedom at Harvard from the right-wing attacks of Senator Joseph R. McCarthy.

In later years, President Pusey foresightedly led Harvard on a path of growth and change that strengthened the university to meet the manifold challenges of the 1970's. President Pusey redirected attention to the needs of undergraduate education, and launched an ultimately successful campaign to raise $82.5 million from private sources for Harvard College.

Under President Pusey's leadership, Harvard's floor space was doubled, its divinity school revived, and the graduate schools of education and design greatly enlarged. Harvard's enrollment grew from 10,000 to 15,000 students and its faculty has doubled from 3,000 to 6,000 members.

College admissions were revamped, as the proportion of public school graduates rose from 46 to 58 percent. The number of black students in the college expanded from 10 to 290. The annual scholarship budget rose dramatically from $566,000 to over $5 million so that now more than one-tenth of the student body comes from families qualified for Federal poverty programs.

Nathan Marsh Pusey has indeed established a remarkable record in his 17 years at Harvard, and his own overview of those years, as recounted in his remarks at the annual meeting of the Associated Harvard Alumni on June 17, 1971, is worthy of attention and reflection. I insert President Pusey's speech at this point in the RECORD:

PUSEY'S SPEECH TO THE ASSOCIATED HARVARD ALUMNI

Most of us here have sung the first stanza of "Fair Harvard"—sung it or heard it sung

many times. Yet, I must admit though Harvard has made part of my life for nearly forty-seven years, I have never, until recent weeks, felt so deeply as I do now the significance of that verse which speaks of "surrendering" our Alma Mater "from the age that is past to the age that is waiting before."

The age that is just past was an exciting one. For a quarter of a century the general public believed in universities—indeed, admired and looked to them, and was generous in its support of them. Students thronged the campuses in unprecedented numbers, and were at least reasonably helped—and reasonably satisfied—by what they found there. More often than not, they liked what they found in academe. At the same time the teaching profession revived from the depression years and the wartime low. Discovery was in the air. Knowledge advanced. The influence of American universities spread to the far corners of the earth. That better and happier world for which men have been yearning since the beginning of time—an ordered and healthy world—seemed possible of early achievement through the instrumentality of advancing learning, and the general affluence which was sure to follow in its wake.

INTERNATIONAL STUDIES

At the outset of the age just ended we were motivated by considerations which then seemed to us newly important, and we ordered our priorities in their light. The experiences of the Second World War had made us vividly aware of the world as a whole. We were determined to know more about peoples and cultures which up to then had been disgracefully neglected.

For this reason, language institutes and area-study centers blossomed as never before. There was fresh appreciation—born in our understanding of the war—of the importance of free institutions and, along with it, a compelling hunger for world order. We believed that greater knowledge of the diverse peoples of the world and more contact with them (the increased ease of travel was to help this along) could and would lead to stable regional and world political organizations. Or so we hopefully and wishfully thought. In any event international studies of all kinds burgeoned in this and other universities and effected great changes in their curricula.

We believed, too, that the process of social and economic development could be analyzed and understood, and when understood, that it could quickly be fostered everywhere. We assumed that the strands of various local and national political, economic and legal systems could be—indeed inevitably would be—woven together, with better understanding, to achieve and guarantee peace and plenty everywhere. Perhaps also even happiness. At any rate, backwardness, ignorance, hostility, poverty and disease—these things could and would be eliminated, or at least mightily reduced. The task was simply to gain the knowledge and train the people to put the knowledge to work. Science and technology were the given tools and in face of this expectation—and promise—nations and peoples everywhere came to honor and look to universities as never before. Old ones flourished and new ones sprang to life around the globe.

Such was the hope directed toward universities from the outside. Inside, of course, understanding of the potential of universities went deeper. Within reach were the fundamental properties of matter, an infinitely richer understanding of the whole universe—even the origin of life itself. The mysteries of the psyche could now be explored and the development and behavior of men understood. New tools and methods held promise of revealing new facts about the depths of the oceans, and the nearer and the more distant space. It was a great time for all university people to be alive, and especially so here, for Harvard was in the forefront of all this—drawing into the effort older and younger scholars from all over the world. Once a New England college, Harvard had finally been transformed into a national university in Mr. Conant's time. In the postwar years it grew steadily in international influence and esteem.

QUALITY IN LIFE

Nor were our thoughts during all these years focused exclusively on material interests. There was lively concern about questions of quality in life. We continued to direct attention—indeed sought especially to direct attention—to art, letters and music, not as refuges from society or the workaday world, not as escape from reality, but as sources of refreshment, and of deeper understanding of the objective world in human terms, of enhanced experience; and beyond this, for access to the realm of the spirit with its more profound joys.

So we dreamed and so we worked.

LOSS OF ESTEEM

The effort has not come out exactly as we had hoped. At least not yet. But now a change has occurred, and as so frequently happens with the weather, the change was accompanied by storms.

Universities are no longer universally admired. Indeed some people have even come to look upon them less as saviors than as the source of evils from which society must be saved. The general public evidences less esteem for university faculties. Even the professors themselves have come to have doubts about what they are doing, or perhaps rather, about their chances of gaining wider public appreciation and support of the significance of the work they are about so deeply.

A growing number of students are less readily impressed by what professors have to offer and less ready to devote sustained attention to their teaching. These sharply critical students are also less convinced of the integrity and validity of society's institutions, including its colleges and universities; and they are less ready to work in and for them, on established terms, than were the young who for the most part were happy to be attending and serving these same institutions just a few years ago. The aims and methods of universities have come into question—fundamentally. Again they stand in need of articulation and of redefinition. There can be no doubt that we are entering a new, very different, and, it appears, a very troubled period in higher education.

The goals which meant so much to us a generation ago have lost much of their appeal. The public's gaze is now shifting back from the big world to the domestic scene. Prejudice, poverty, urban blight, injustices at home, disturbances and thefts in our own neighborhoods, increasing delinquency—things of this kind force their way to the forefront of attention. They of course deserve attention. But now there is much less certainty that answers will be found in knowledge. At least not quickly. There is also less confidence that universities can or will want to produce the requisite knowledge. And there is even less confidence that, if they knew how and wanted to produce the knowledge, they could also produce the people with the stamina and character to put it to work to accomplish the constructive ends.

A NEW BEGINNING

Once again, it appears, we have returned to a beginning. Mr. Conant, whom we welcome here today, found himself contending with inherited financial depression, then with the overwhelming dislocations of wartime and its aftermath. Now, after a period of readjustment and phenomenal growth, there comes for another president an era of radically altered conditions, sharp change, and formidable obstacles—not just financial, but curricular, methodological and philosophical as well.

This is a time, therefore, which is less likely to be affected by a mere shift of presidents than by the external conditions of our national life, and by a natural process of rebirth and renewal.

A distinguished scholar who came to live and work here at a relatively advanced age nearly a half century ago had much to say in his philosophy of process about ages that were past and ages that were "waiting before." Professor Whitehead's intent was to substitute a philosophy of organism for what he said had been a philosophy of mass. A fundamental point of distinction was that for centuries—at least since Newton—thought had been shaped by the conviction that the basic realities in our universe were particles of matter—senseless, indestructible, valueless, purposeless, revolving in routine ways, reacting only when they were acted upon. He pointed out (this was very exciting at the time) that physics did not know any such particles, that physical things, large and small, were in fact only modifications in space-time, and that therefore any actual thing was only to be understood in terms of its becoming and perishing, that is as an event. And he took special pains to stress the potential for creativity latent in such events. The old world is always dying, he said, and a new one being born. Nature gives us temporal unities which have pasts, presents and futures. But what we experience is a continuous present; and because of its capacity for creativity and the potential that lies within it, this present, at any given moment, is always holy ground.

A NEW HARVARD

So is it here. One Harvard is passing into history and another being born. One is dying while another, burgeoning with new life, is eagerly waiting before. We salute it and welcome it.

Because so many currently question the value of universities, and their ability, in the face of challenge, criticism and increased financial stringency, to continue to serve in their ancient and honorable tradition, it would be easy to feel gloomy about their prospects. But this new present also contains within it great promise.

If the long list of new goals being set for society are to be realized in significant degree, it will only be because we shall have gained increased knowledge of the difficulties standing in the way; because we shall have found in knowledge promising means of attacking the problems; because we shall have discovered, prepared, and inspired individuals to take up the many tasks required with knowledge, with patience and with realistic resolution. The need for universities does not slacken. If anything it grows greater. Standing in this present moment of change, looking back and ahead, it perhaps behooves us simply to perceive that as in all previous periods of our College's history, so in this, challenge and opportunity both persist.

There is so much in Harvard that remains good, generation after generation. I think especially at this moment of certain Yankee traits of character. It was my good fortune to have been associated in the government of Harvard with individuals—some Yankees, some not—who possessed these qualities in exemplary fashion. Not easily impressed by passing fads or fancies, not easily thrown off balance by any sudden alarums or excursions, outside or within, they went steadily about the task of serving Harvard, determined

to keep her sane, sensible, useful and strong. They and their kind are deep in our tradition, and, this being so, we shall get on.

A PERSONAL NOTE

I should like now to add a personal word at leave-taking. What has impressed me most about Harvard during my years of serving her are her people. Not all of them of course, but surely a goodly number. There are many of us. "Thy fathers went down into Egypt with threescore and ten persons; and now the Lord thy God hath made thee as the stars of heaven for multitude." (Deuteronomy 10:22) If this could be said of us a hundred years ago, as it was, how much more so today.

If the recent years have been good years in both our own and the world's terms, their goodness has been owed to tens of thousands of individuals. Owed in the first instance to many fine students—fine as persons and as scholars—who have come here from all parts of our country and, especially at the graduate and professional levels, from abroad. From diverse backgrounds and cultures, with various interests and expectations—mostly high expectations—they have in considerable measure been the Harvard of these years; and with very few exceptions they have been good. If the passionate impatience with the wrongs of our society and the world which these students have increasingly come to feel stays with them in later years—that is, if their present concern proves to be more than a momentary impatience—then the world will be well served and Harvard will once again be highly honored in her sons and daughters.

DEBT TO FACULTY

Harvard's debt to faculty is no less large. Not everyone in every respect has measured up to the ideal of the inspired and inspiring scholar-teacher, loving his students and his institution, serving them loyally and imaginatively and selflessly, eschewing all pettiness and self-seeking. Yet the great majority of them surely have. Knowledge has advanced, and students have found help. There have been many creative moments. First-rate work in investigation and in teaching—intelligent and informed teaching, guided by principle and concern—has gone on—and will go on.

Nor can I fail to mention many others, not members of faculties, who have worked here in my time in many capacities, high and low—men and women of intelligence and character whose attachment to Harvard and whose diligence and competence are surpassed by none. Unsung, too frequently taken for granted, they are to be found everywhere in the University. Some have spent long years in the University's service. Of many of them it can truly be said that without their help very little of consequence could be achieved in many parts of this university.

DEBT TO ALUMNI

But above all I wish to express my appreciation to the many alumni who have contributed preeminently to make possible whatever achievements there have been in the Pusey years. I do not wish to be understood as speaking exclusively or even primarily in material terms, though my gratitude encompasses this range of consideration. What I want to say (and I hope very much that this will be heard especially by students and faculty) is that in endeavoring to discharge the responsibility of directing the administration of the great university, again and again I have found indispensable the understanding, the arden concern, the stable belief in the viability and importance of what Harvard is trying to do, and the readiness to help shown on every emergent occasion by many loyal Harvard men who were here before our time. These alumni were clearly moved by fond remembrance of experiences they had had at Harvard, and by gratitude for what Harvard contributed to direction and enrichment in their lives. But, beyond this, by an awareness, which had grown in them after leaving this place, of what Harvard has meant and can mean in our national life, by conviction of the worth and importance of this contribution, this intellectual and moral contribution going out from Harvard which Sibley heralded long ago. What most moves the alumni, I believe, is a deepening realization—in face of the recurringly troubled conditions of our world—of the importance of what has been praiseworthy in Harvard's past and a resolute determination that it shall go on.

FAREWELL AS PRESIDENT

This is the last time I shall speak to you as president. In thanking all of you—especially very many alumni—for what you have meant to Harvard in my time, it is a temptation to dwell on the changeless and the changing Harvard. The bricks of Massachusetts and Harvard halls, the great copper beech looming beside Wadsworth House, once the home of Harvard presidents—things of this kind endure. So does John Harvard sitting on his chair outside University Hall. But Harvard the changeless is also ever changing, ever beginning. Every June there is another Commencement, another in that continuum of endings and beginnings, death and life, which keeps the venerable university young—young, influential, attractive, perhaps occasionally even noble, but still and always worthy of love and of strong, new effort. Let us with high resolve once again rededicate ourselves to her services and may the Lord continue to look after us, strengthen us, and keep us true.